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Fourth periodic reports of States parties

Costa Rica

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For the combined initial, second and third periodic reports submitted by the Government of Costa Rica, see CEDAW/C/CRI/1-3.

Report of the State of Costa Rica on compliance with the Convention on the Elimination of All Forms of Discrimination Against Women

Corresponding to the period
1 April 1998 to 31 March 2002

September, 2002

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INTRODUCTION

1. The purpose of this report is to fulfil the commitments assumed by the Republic of Costa Rica by unreservedly signing and ratifying the Convention on the Elimination of all Forms of Discrimination against Women. This document updates the previous report submitted in compliance with article 18 of the Convention, for the period 1 April 1998 to 31 March 2002. It was prepared by the National Institute of Women (INAMU), in its role as National Mechanism for gender equity, and pursuant to its legal mandate to oversee public policies for the advancement of women and equal rights and opportunities between women and men.

2. Preparation of this report began on 15 February 2002 and concluded on 30 September that year. Two consulting firms prepared an initial draft in conjunction with the INAMU Technical Division. This systemized the main documentary and statistical information produced in the country by various State agencies and non-governmental organizations (NGOs), and by public universities and specialists. The information was enriched through interviews with individual experts and key informants, and the results of the process were discussed with the INAMU Technical Areas, which provided additional inputs and made recommendations. A second document was submitted for further evaluation by the relevant INAMU areas, and was also discussed with 14 representatives from civil-society organizations who attended the Consultative Forum convened by the National Mechanism on 27 September 2002.[1] The forum was also attended by the Minister for Women's Affairs, Esmeralda Britton, and the INAMU Technical Director. Exchange of views and critical discussion of the report generated additional information, while at the same time deepening debate on the priority issues facing the women's movement and the role of INAMU as National Mechanism. The report being submitted today to the Committee on the Elimination of Discrimination against Women (CEDAW) incorporates the results of this consultation process.

3. The previous report was more descriptive, since it systemized the main progress made by the country on gender equity between ratification of the Convention on 2 October 1984 and 31 March 1998, and it highlighted the obstacles that still stood in the way of effective compliance. The need to construct a baseline profile for subsequent evaluations required greater detail. A major part of this report was included in Balance del Estado de Costa Rica sobre la Plataforma de Acción de Beijing. Logros y Desafíos [Balance sheet for Costa Rica on the Beijing Platform for Action. Achievements and Challenges], prepared by INAMU (2000) in the framework of negotiations between the Institute and women's civil-society organizations as part of national actions preparatory to the United Nations Conference, Beijing + 5.

4. The present report highlights contextual changes that have taken place during the period under study, including the following: legislation and other measures to

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[1] The organizations represented were : Denosotras, CIPAC, ASODELFI, the Banco Nacional Staff Union (SEBANA), the Women's Health Association (AMES),Women's Political Agenda, Centro de Estudios y Publicaciones Alforja (CEP-Alforja), Women's League for Peace in Latin America (LIMPAL), and the Costa Rican Women's Centre. In addition, two women participated on a personal basis without the support of any organization. The consultative forum was widely publicized in advance, with INAMU issuing invitations to over 60 women's organizations and other social agencies that have gender-equity programmes.

implement the Convention adopted since the previous report; progress achieved by the country in eliminating discrimination against women; and the most significant developments that have occurred in the status of women. It also deepens analysis of the structural problems and gender deficits that still persist and represent major obstacles to the achievement of equality between women and men. The report also discusses the steps taken by Costa Rica to fulfil the commitments it acquired with regard to the Beijing Declaration and Platform for Action.

5. As the previous report concluded and this one confirms, Costa Rica has made substantial progress in terms of legislation and mechanisms for the advancement of women; in their educational, labour-market and health status; in developing institutional and legal resources for the care and prevention of violence against women; and in women's participation as citizens. These developments, which have been particularly visible in the education, labour-market and legal domains, expand opportunities for women of all ages.

6. Nonetheless, deep structural problems remain, which maintain and intensify gender gaps in a variety of areas and put women at a disadvantage. Profound social, economic, political and cultural changes are needed if the country is to consolidate and build upon the progress achieved thus far.

7. As indicated by the seventh report on the State of the Nation in Sustainable Human Development 2000 (2001), in a special chapter entitled Desafios para avanzar hacia la equidad entre los géneros [Challenges in moving towards gender equity], Costa Rica needs to prioritize the following issues: poverty among women; recognition of unpaid domestic work; women's labour-market participation; and labour-market segmentation. Other problems that also need to be addressed include gender differentiation and segregation in the education system; comprehensive action on gender violence against women, institutional shortcomings and the limited resources allocated to specific public policies and to the national mechanism for gender equity; and full political participation by women.

8. Disparities between urban and rural areas also urgently need to be overcome, so the challenges include making these visible and differentiating policies by zones or regions, in order to close the gaps that exist among women themselves on a number of criteria including geographic ones.

9. Official data indicating improvements in women's condition and status have major shortcomings.

10. To monitor developments since the Beijing conference, INAMU – in conjunction with the State of the Nation Project and the United Nations Development Programme (UNDP) – reviewed an indicators proposal made by the Economic Commission for Latin America and the Caribbean (ECLAC), organized around the thematic areas of the Beijing Platform for Action (Ramos, Pilar, 2001). This review relied on two broad data sources: sample surveys (particularly the Households and General Purposes Survey), and the administrative records held by various institutions. The use made of these regular sources meant that only 50 per cent of the indicators proposed by ECLAC were available, and nearly a quarter were unavailable with no alternative. Moreover, in half of the cases that were available the basic data had to be reprocessed, which made calculating the indicators more difficult.

11. When the information led back to the second type of source, major information gaps were revealed. This affected treatment of topics and sub-topics such as: access to resources (real estate, credit, training, scholarships); institutional mechanisms for the advancement of women; women's human rights; women and the media; women and the environment; and violence against women.

12. The latter topic requires special attention, because the available indicators, whether those proposed or additional ones, give only an approximate idea of violence in general, while largely remaining silent about the extent and severity of the different forms of violence perpetrated against women. Data is also lacking on use of time, which limits possibilities for gender differentiation in terms of total workload and other related issues. Sample surveys are needed to strengthen this area.

13. An additional problem when describing changes in the status and condition of women, stems from the periodicity of the information. Moreover, even where data exists at different points in time, it may suffer from problems of coverage or changes in methodology, or even be of dubious quality. All or some of these shortcomings, and others, were relevant to the following topics:

- Women's health: Although this is one of the topics with the largest number of indicators, coverage problems remain because the indicators do not always encompass the entire target population. This true of preventive screening for cervical cancer, the incidence of breast and cervical cancer, HIV, and indicators of childhood nutritional status, among others. The latter also suffer from undefined data-collection frequency and the use of different methodologies, thereby affecting quality. The quality of data on work-related accidents and illnesses among women is also questionable: as women are less likely to be insured, the population affected by workplace hazards is probably understated.
- Violence against women: Information on this topic is deficient because most of the relevant indicators were only gathered for a single year. Relying largely on complaints actually filed raises coverage and quality problems, especially in the recording of information that does not seem to be standardized across the different channels for reporting acts of violence, for which reason one can reasonably predict underdeclaration. At the same time, for some forms of violence, such as sexual aggression, the only information available is the total number of complaints filed, with no gender breakdown or information on the alleged aggressor (when known), which makes it impossible to characterize the victims.
- Education and training for women: Coverage problems persist mainly in the statistics on higher education, where information from universities and private "para-universities" is unobtainable.
- Women in the economy: Information on this topic is concentrated in the period 1990 through 1999. Although household surveys prior to 1990 (and even before 1986) exist and are of interest for expanding the series, their usefulness is compromised by a change in the survey programme. This means taking account of methodological changes and also using special procedures to obtain the desired breakdowns.

14. Official statistics have not been designed with a gender focus, nor for the purpose of measuring gender gaps, although efforts have recently been made to reflect differences between men and women. This concern is making it possible to obtain gender breakdowns for most data, and to start a review of measurement concepts and methods. Given the absence of substantive methodological changes, it is feasible to highlight shortcomings in fundamental variables for assessing gender equity.

15. One of these is the labour force, where measurement suffers from problems relating to the reference period established and the definition of its components, i.e. employed and unemployed. The labour force is conceptually equivalent to the "economically active population". As a short reference period is used (one week), it is only possible to describe the "current" situation, rather than the "normal" one, as would be possible using a longer period (e.g. a year). In the latter case one could speak of the "economically active population" or "habitually active population". This is particularly important in the case of women and young people, who display major seasonal participation in the labour market lasting for up to six months (albeit moving in and out of employment during that time). In other activities, employment may last for a quarter of the year, as happens in coffee harvesting. In both cases women's participation, and hence their contribution to family income, would remain invisible unless their labour-market participation happened to coincide with the reference period.

16. An arbitrary minimum of one hour in the reference week is sufficient to count a person as employed. This could result in open unemployment being understated, since classifying a person as employed on the basis of such minimal labour-market participation means they cannot be included in the open unemployment figures. Although involuntary part-time employment (including all jobs) constitutes visible under-employment; the person is counted as fully employed, even though there may be major obstacles preventing full-time labour-market participation. These include inadequate support mechanisms for childcare, overburdening with other family responsibilities, and even inadequate earnings that are not commensurate with the fraction of the day actually worked.

17. The concept of invisible underemployment attempts to express problems arising from low pay. Nonetheless, this measurement is also partial since it only considers people who work a total of 47 hours or more per week; and it compares primary monthly earnings against the general minimum wage (Salario Mínimo Minimorum), which raises the following difficulties:

- Comparison with a single wage figure does not capture the inadequacy of pay for a specific job performed; the comparison should be made with a minimum for a given occupational group.
- It hides invisible underemployment among persons working less than 47 hours a week in total, as mentioned above: the calculation should be based on hourly earnings.
- Both visible and invisible underemployment use the total number of hours worked and primary income, thereby understating the number of deficient jobs, because holding down one or several secondary jobs can overcome the problem of insufficient work or adequate pay in the primary job. As

secondary jobs become more frequent, underemployment as currently measured could become increasingly underestimated.

18. In addition, the volume of employment in Costa Rica generally is underestimated by not counting as employed persons who work producing primary commodities for self-consumption. This renders women's contribution to the economy in terms of agricultural output invisible. Nor do the employment statistics count market-destined activities that are not considered as economic activity for cultural reasons or because they are not deemed important enough to be declared in the traditional questions (marginal activities). Hidden employment of this type affects women relatively more.

19. Unemployment is defined as not currently holding a job, being available for immediate work and taking concrete steps to find it. The figures in Costa Rica do not include people who want and are ready to work "now", but who are not currently looking for a job because they have become discouraged and no longer believe they will find one. This is known as discouraged or hidden unemployment.

20. In view of these factors, the real magnitude of employment problems cannot be reduced to an analysis of open unemployment; it must also include total underutilization, hidden unemployment, underutilization in part-time jobs, restrictions on extending working hours for "non-market" reasons, and occasional employment – which could be concealing open unemployment through the holding of an unsatisfactory job while trying to find a satisfactory alternative.

21. Those indicators could be further enhanced by better measurement of precarious employment encompassing access to social security, workplace hazards, underutilization of acquired skills, stability of contract, compliance with labour legislation and rights, and any other issues considered relevant.

22. Another key variable is household headship, which is defined in censuses and household surveys in the following terms:

- first and foremost, recognition as such by other household members, which in practice involves a declaration from the informant;
- the person who makes the largest contribution to household income;
- and, lastly, the oldest member of the household.

23. As this is an important variable for analysing the recognition of power in private decision-making, this definition favours men for reasons of culture, economic capacity (men earn more than women and their work is always paid in monetary form), and by demographic-cultural composition in the establishment of conjugal couples.

24. Female heads of household are only recognized in the absence of the spouse, which ignores the fact that even in nuclear households women assume enormous responsibility in organizing the tasks and duties of household members, managing the family budget, supervising and disciplining young children and teenagers, defining consumption habits in terms of both durable and non-durable goods including food, taking decisions on interior spatial distribution and decoration in the home, and many other issues that comprise the burden of responsibility and decision-making affecting family life and reproduction among household members.

25. From this standpoint, the censuses and surveys definition is inadequate for analysing gender equity; but the fact is that these enquiries only aim to identify a reference person to facilitate data collection and the subsequent construction of household typologies that are useful in socioeconomic analyses. It is therefore essential that gender studies experts define what is to be understood by "household head", both conceptually and operationally, to enable this term to be used in censuses and household surveys.

26. As regards access to resources, mention was made earlier of the lack of gender-specific information on resources for production, credit, skill training and other items. Nonetheless, merely obtaining such information is insufficient for analysing development from a gender-equity perspective. It also reflects a view for putting forward policies and formulating actions centred exclusively on women – in other words, a perspective which "by exclusively targeting women, sees them as both the cause of the problem and the sole means of overcoming it", in which providing them with assistance would help them to overcome disadvantages "which originate in and are at least partly explained by their traditional roles and their double or triple workday" (UNA / Instituto de Estudios de la Mujer, 1993, quoted by Ramos 2001). From a more comprehensive perspective which aims specifically to bring about changes in female and male roles and eliminate the inequities involved, indicators are needed not only to express the situation of women, but also to reflect the "specific mechanisms by which inequality is reproduced" (ibid). This requires specifying indicators measuring access to and control over resources, indicators showing the ways in which the different components of inequality mutually interact, and indicators of the redistribution of those resources at various levels; this highlights the need for indicator breakdowns reflecting the specific context in which inequality is expressed.

27. For example, it is not sufficient to report the percentage of women that own means of production (land, for example), and the percentage of all property deeds granted to women. Other specific characteristics are required such as conjugal status, geographic locality, mode of use of the productive resource, and identification of the person benefiting from that use. Information is also needed on their decision-making power and role within the process of exploiting the resource – including, for example, whether this is really one of subordination even though the woman is legal owner; and other data which, while not currently available, could usefully be included in a specific investigation (such as an agricultural census) and facilitate subsequent analysis with a gender-equity focus.

28. Technical experts that provide inputs for policy formulation should work to identify the mechanisms of inequality in the material conditions of life. They should also indicate what information is needed to visualize and overcome such mechanisms, specifying indicators and information sources, even though they may not be available.

29. With regard to specific groups, there are a few approaches and investigations that consider the status of women from the ethnic-cultural perspective; these have specifically addressed the situation of indigenous women. Nonetheless, as yet there is no national study that serves as a reference for analysing the situation of Costa Rican women of African descent. This reflects the invisibility that the Afro-Costa Rican community has historically endured as a consequence of racism, which is aggravated and deepened on gender grounds in the case of women. In addition, prior

to 2000 there was no official information on them either in censuses or in household surveys. According to official statistical information and studies relating to the condition and situation of women in the country, Costa Rican women of African origin apparently do not exist. The most recent census in 2000 did include a question aimed at identifying the ethnic affiliation of Costa Rican men and women, but it failed to record the majority of this population because of problems in the way the question was worded.

30. This report is organized in four sections. The first part updates the context in which measures to eradicate gender inequities against women are unfolding, and the main challenges facing the Costa Rican State and society. The aim of this approach is to replace scattered and fragmented description with a comprehensive analysis resulting in greater clarity and internal consistency.

31. The second section describes the way the Costa Rican State has implemented the Convention, article by article, during the reporting period. This part analyses the most significant progress and the most important trends in relation to each article, together with recommendations made by the CEDAW Committee. For reasons of expositional efficiency it was decided not to include a section to specifically discuss measures applied by Costa Rica to comply with the Beijing Declaration and Platform for Action. Instead it was decided to analyse these commitments in the context of each of the articles of the Convention, for although some critical areas of concern are not explicitly quoted in this legal instrument, there are recommendations from the Committee on where to include them. The strategy chosen avoided unnecessary repetition.

32. The third section of this report summarizes the main progress achieved during the period, highlighting the lessons learned and challenges that require attention from the Costa Rican State in the short and medium term. This closing discussion is intended to provide inputs to the Committee for its recommendations to the Costa Rican State, with a view to making progress in eliminating the various forms of discrimination against women. This is seen as an essential requirement for building a society where democracy prevails in gender relations, along with justice and social equity for all citizens.

33. Costa Rica reiterates its support for the Convention, and reaffirms its ongoing commitment to promote conditions for equal opportunities, gender equity and active exercise of citizenship by women in Costa Rica.

34. The Costa Rican Government is pleased to present this report for consideration by the Committee, in fulfilment of the commitment it assumed by ratifying the Convention, and in a renewed effort to bring itself up to date on obligations assumed thereby.

PART I

Progress in the situation of women in Costa Rica : General assessment

35. The situation of women in Costa Rica underwent significant changes during the past decade, as a result of a number of factors. Firstly, approval of the Act Promoting the Social Equality of Women on 8 March 1990 was a major landmark in the struggle by the women's movement and public institutions to create conditions guaranteeing genuine equality for women. Secondly, the economic development model based on internationalization of the economy is posing new problems and challenges for the social status of women and their opportunities to enjoy the benefits of development on equal terms with men. Lastly, the momentum of a set of gender-equity policies and the creation of State institutions to promote, execute and enforce them, is laying down new paths, problems and challenges. General challenges are also arising in areas such as education and labour-market conditions, sexual aggression, domestic violence and political participation.[2]

36. According to the ninth National Population Census carried out in June 2000, at that date Costa Rica had a total of 3,810,179 inhabitants, of whom 1,902,614 were men and 1,907,565 were women. In the period 1950-1963, the population attained its highest historical growth rate of 3.9 per cent. This subsequently dropped to 2.3 per cent between 1973 and 1984, before rising again to 2.8 per cent in 1984-2000. This recent increase in the demographic growth rate is explained by foreign immigration, since fertility during this period continued to fall in a context of low and stable mortality rates (National Institute of Statistics and Censuses, 2001).

37. Immigrants of both sexes represented 7.8 per cent of the country's total population, reaching its highest percentage of the last 50 years. While three quarters of this population group are of Nicaraguan origin, the Colombian community is also currently displaying a rising trend (National Institute of Statistics and Censuses, 2001).

38. Costa Rica is a multi-ethnic pluri-cultural society, although a major fraction of the population is of mestizo or European origin. The next three ethnic groups by size are of indigenous, Afro-descendant and Chinese origin. According to the 2000 census, the indigenous population amounted to 63,876 inhabitants (1.7 per cent), with 32,880 men and 30,996 women. The majority of this group live in rural areas (50,493), while just 13,383 live in urban zones (National Institute of Statistics and Censuses, 2001). The Afro-Costa Rican or negro population in Costa Rica was estimated at 72,784 people (1.9 per cent) – 36,478 men and 36,306 women. Unlike indigenous peoples, this population group is mostly urban (46,903 inhabitants) (National Institute of Statistics and Censuses, 2001). Another significant ethnic minority in Costa Rica is the Chinese community, totalling 7,873 people (0.2 per cent) – 4,089 men and 3,784 women. Up to 88 per cent of this population group was

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[2] For further information on this, see the Summary of Indicators on the Status and Condition of Women in Costa Rica 1990-2000, in Annex 1.

living in urban areas at the time of the 2000 census (National Institute of Statistics and Censuses, 2001).[3]

39. Currently, Costa Rica has an overall population density of 75 inhabitants per km2, compared to 47 per km2 in 1984 – an increase of nearly 60 per cent since that time. Population density varies according to region, however, since the Central Valley has cantons containing more than 100 inhabitants per km2, while others barely exceeded 10 per km2 (National Institute of Statistics and Censuses, 2001). This factor has a differential impact on the demand for services and their quality, for example.

40. By 2000, 75 per cent of the Costa Rican population was living in the greater metropolitan area, reflecting the urbanization process currently unfolding in the central region of the country. This encompasses the metropolitan area of the province of San José and the capitals of the provinces of Cartago, Heredia and Alajuela. Over the last decade the urban population expanded to represent 59.0 per cent of all inhabitants in national territory by 2000 (National Institute of Statistics and Censuses, 2001). Migration towards urban areas was driven by differences in job opportunities and access to social and education services (State of the Nation Project, 2001).

41. The 2000 Census[4] revealed an overall population distribution of approximately 100 men for every 100 women, although the ratio varied by age group. The main age groups the ratio is 104 men for every 100 women, but this declines to reach 84 per 100 after 75 years of age, reflecting the women's longer life expectancy (National Institute of Statistics and Censuses, 2001).

42. The age structure in 2000 revealed an ageing population, in which younger people accounted for 31.9 per cent of the population, while those 65 years of age and older accounted for 5.6 per cent.[5] This is the result of low and stable mortality rates, together with declining fertility and rising immigration from abroad (National Institute of Statistics and Censuses, 2001). The gross birth rate was 21.4 per 1,000 inhabitants in 2000 (State of the Nation Project, 2001).

43. This change in the population age structure was welcomed by the seventh State of the Nation Report (State of the Nation Project, 2001) as a positive development which the country should welcome, since it involved a fall in the dependency ratio as the number of people economically dependent on the productive age groups declined. A further reduction is expected in the years to come, as many of today's dependents join the labour force. Although this trend represents an opportunity for Costa Rica, taking advantage of it will depend on the health and educational characteristics of the population, in conjunction with job and work opportunities.

44. Costa Rica made major gains and progress in the health area, which had a positive impact on the general conditions of life for women. Nonetheless, there are

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[3] For the first time, the 2000 population census included a question on ethnic origin. Nonetheless, the methodology used failed to control for a variety of factors that may have resulted in under-recording - for example, mestizo o mulatto persons who did not wish to be identified as indigenous or Afro-descendant. The figures should therefore be handled with caution, because the true values may be higher than stated.

[4] The previous national population census was held in 1983.

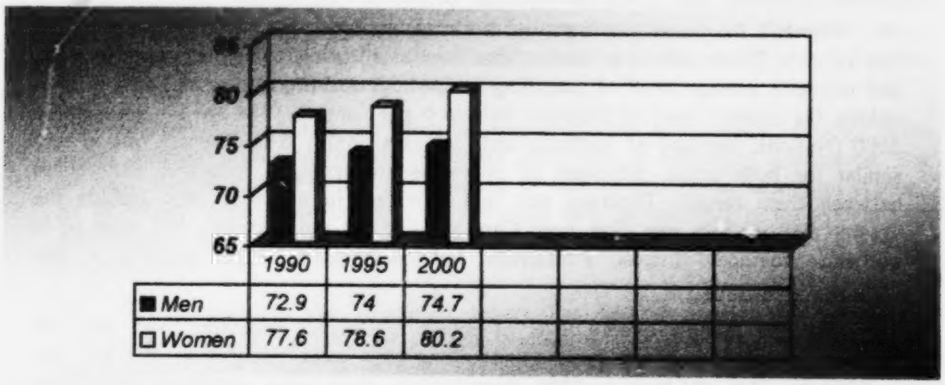
[5] In 1988, people 65 years of age and older accounted for 4 per cent of the total population.

clear disparities in the indicators depending on zone of residence and educational level, with more educated women living in urban zones displaying the best indices.

45. In 2000, average life expectancy at birth was 77.9 years – above the 75.6 years projected for the period 1995-2000. As shown in figure 1, women can expect to live relatively longer; in 2000 their life expectancy was 5.48 years longer than men's and 2.81 years above the national average.

Figure 1

Life expectancy at birth in years, Costa Rica 1990-2000.



Source: Ministry of Planning and Economic Policy, 1995. INEC. 2001.

46. This trend towards greater longevity among women needs to be taken into account by the health and social security systems, to ensure women's specific gender needs reaching beyond their reproductive function are taken into account.

47. The increase in life expectancy stems from a sharp fall in infant mortality. By late 2001, this stood at 10.2 per thousand live births – the largest reduction in the decade. According to the Ministry of Health, the reduction is explained by lower mortality from infectious diseases, specifically intestinal and acute respiratory illnesses. The steepest fall occurred in neonatal mortality, i.e. deaths occurring during the first seven days after birth. Nonetheless, the improvement varies by zone and socioeconomic sector, and there are cantons where infant mortality is still above the 1995 rate of 13.2 per 1,000 (State of the Nation Project, 2001).

48. Costa Rica continues to be a society with a low overall mortality rate compared to other countries in the region, at 4.1 per 1000 inhabitants with most deaths occurring in the older age groups. The leading causes of mortality were more concentrated among men than among women. Among the former, the main cause of death was stomach cancer, which accounted for 17.9 deaths per 100,000 men in 1999. In contrast, the leading cause of death among women (cervical cancer) had a prevalence of 9.3 per 100,000 women in the same year (State of the Nation Project, 2001).

49. To address this particular female health problem, in 1998 the health sector began to implement actions in the framework of a comprehensive care approach to women's health, with support from the Office of the First Lady of the Republic and the National Institute of Women (INAMU). The screening programme for early detection of cervical and breast cancer helped to improve the coverage of Papanicolau tests and early detection of cervical cancer. As a result, the number of smear tests increased by 200 per cent in 2000 and the mortality rate was reduced from 9.2 per 100,000 women in 1994 to 6.2 in 2000. In the case of breast cancer screening, during the same year one invasive cancer was detected for every two instances of localized tumours – the inverse of the ratio at the start of the decade (Office of the First Lady of the Republic, 2002).

50. Women's education has improved both in relation to the past and compared to that of men. There are more women than men at all levels of the education system, and women's average level of schooling is also higher. The country also managed to reduce the overall level of illiteracy from 6.9 per cent in 1984 to 4.8 per cent in 2000 (National Institute of Statistics and Censuses, 2001). The illiteracy rate is very similar for both sexes. Although all provinces are seeing a reduction, differences between them remain. Illiteracy was less prevalent in provinces that include the greater metropolitan area (San José, Cartago, Alajuela and Heredia), but more so in outlying provinces (Limón, Puntarenas and Guanacaste) where poverty is also highest.

51. The population's overall level of school attendance improved, and this was reflected in the different age groups and among both sexes, rising from 28.3 per cent in 1984 to 33.6 per cent in 2000. Nonetheless, there were significant differences across regions: while in the urban zone 62.6 per cent of all persons between five and 29 years of age attended an education centre, the equivalent figure in rural areas was 51.2 per cent. There was also disparity between education levels, with the largest increase in attendance occurring among the pre-school population (from 38.0 per cent in 1984 to 64.6 per cent in 2000). Attendance at primary school edged up from 91.4 per cent to 95.7 per cent, while at secondary level the percentages rose from 41.2 per cent to 61.3 per cent. This shows that the country faces a major problem with respect to the admission and permanency of young people in secondary school (National Institute of Statistics and Censuses, 2001).

52. There was a similar trend in the level of instruction: whereas 89.6 per cent of the population older than five years of age had received some primary or post-primary education, only 10.2 per cent had university education. Disparities between the rural and urban areas persist, however, mainly reflected in a lower percentage of the rural population with instruction and participation at secondary school level (State of the Nation Project, 2001).

53. Despite the rise in secondary school enrolment achieved in recent years, deficiencies remained in terms of its coverage and quality. The education system suffers from exclusion and dropout, which became more acute as from 15 years of age. Thus, the enrolment rate on a simple age basis fell from 88.0 per cent among 12-year-olds to 33.3 per cent among 17-year-olds, with the rate falling as age increases. Nonetheless, these percentages, together with indicators of grade failure, repetition, performance and baccalaureate promotion, varied according to the sector in which the school was located and were worse in the public sector. This situation

revealed major equity gaps between the two sectors, which is also related to education quality (State of the Nation Project, 2001).

54. The past two decades saw a number of initiatives aimed at changing socioeconomic conceptions that encourage subordination of and discrimination against women, together with practices that reinforce gender inequalities. Progress has been made in the use of non-sexist language in the texts and illustrations used in primary school textbooks, and also in educational legislation; and a gender focus has been incorporated into pedagogic and administrative processes. Despite these achievements, teaching practices that perpetuate the prevailing pattern of gender dominance still persist. These encourage segregation in choice of careers, professions and trades, and in course selection at public and private universities. While segregation has been moderate in these institutions, it has been more pronounced in out-of-school technical skill training such as provided by the National Apprenticeship Institute (INA).

55. Women achieved a higher level of education than men overall, ranging from higher average schooling to greater female enrolment in university institutions. On average, women have a similar participation to men in the formal education system. At secondary level, however, their net coverage rate, permanency in the system and performance were all superior to the equivalent male figures (State of the Nation Project, 2001).

56. This progress in the education sphere has had an impact on the female occupation structure, reflected in a slight increase in women's share of professional and technical jobs compared to men, and also in the category of managerial posts, where female participation rose from 23.3 per cent in 1990 to 29.9 per cent in 2000. The larger volume of female labour was mainly absorbed by the social, community and personal services sector, which accounted for 44.5 per cent. Women's participation also increased in commercial, restaurant and hotel activities, as a result of tourism sector development (State of the Nation Project, 2001).

57. As can be seen from the National Household Survey (National Institute of Statistics and Censuses, 2001), women increasingly appear as entrepreneurs, but under unequal conditions that make them very vulnerable – most of them working in the microenterprise or small business sector. The proportion of female employers hiring wage-earning employees rose from 1.8 per cent early in the decade to 4.3 per cent in 1999. The largest increase occurred in rural areas, in industrial and commercial activities linked to the development of small and medium-sized businesses. This sector still faces major obstacles in access to productive resources such as credit, technology and technical training.

58. Despite this progress in the labour-market domain, structural obstacles remain that need to be addressed urgently by the Costa Rican State, through aggressive public policies aimed at eliminating structural barriers that hinder women's share in national production and their participation in the labour market under equal conditions.

59. The Costa Rican labour market continues to be gender-segmented. According to data from the State of the Nation Report (State of the Nation Project, 2001), the occupational group segregation indicator stood at 25 per cent during the 1990s, which is high given that women have represented 32 per cent of all employed

persons since 1998. A gender-balanced occupational structure would mean most women changing job.

60. In addition, a major portion of women's economic contribution to national production continues to be invisible, which has serious implications for their access to productive resources, social security, education and support services as working women. Firstly, the domestic work they perform in their homes is still not valued either monetarily or culturally. Secondly, rural women and those from marginal urban areas carry out numerous marginal activities as an extension of their domestic chores, which generate income for family subsistence; but these are not reported or counted as "work". For example, if "covert" female employment through primary self-consumption and other marginal activities were to be counted, participation rates for 1990 would rise from 30.3 per cent to 41.1 per cent, and those for 2000 from 33.8 per cent to 40.8 per cent. Underestimation of the female participation rate fluctuated between seven and 10 percentage points during the decade. If domestic labour were counted as work, it would represent 9.8 per cent of GDP in 2000 – a contribution comparable to that of community, social and personal services sector for that year (10.3 per cent measured in colones at constant prices) (State of the Nation Project, 2001).

61. In 2000 there was a decrease in national income per capita, consistent with the 0.7 per cent reduction in average family income recorded by the Household Survey (2000). Average minimum wages also fell, affecting household incomes, especially those of the poorest families (State of the Nation Project, 2001).

62. The Costa Rican economy has faced a series of tests on the external front, although it has managed to overcome them without becoming destabilized. This is explained by factors such as: prudent monetary policy management; exceptional fiscal income generated by the rise in hydrocarbons prices; and, chiefly, the fact that the country's productive base has diversified considerably in recent decades, especially in terms of exportable products. Nonetheless, major doubts persist as to whether this economic model is laying the foundations for sustained economic growth in the future, which would enable it to significantly reduce poverty and correct the social and gender inequities that still persist (State of the Nation Project, 2001).

63. In recent years, economic policy decisions have focused on consolidating a process of economic internationalization and the State reform necessary to achieve this. Social policies tended to target actions on alleviating the poverty endured by one fifth of the Costa Rican population. Poverty reduction has been the main preoccupation and source of initiatives in several government administrations; but a major weakness in these programmes is that by overly targeting their actions they have failed to attack the structural causes of poverty, leaving households living in basic poverty and the non-poor more vulnerable. Moreover, such programmes do not form part of a national employment policy aimed at solving problems relating to the productive structure and labour-force entry, or participation in education or technical training in the case of young people.

64. According to the seventh State of the Nation Report, in 2000 general poverty crept up by 0.5 percentage points, following a similar rise in 1999, to reach a level of 21.1 per cent. As the rate in 1994 was 20.0 per cent, a rising poverty trend can be discerned. In contrast, extreme poverty diminished slightly compared to the previous year, from 6.7 per cent to 6.4 per cent. The tendency for general poverty to rise

while extreme poverty falls occurred in both urban and rural areas, but its incidence is greater in the latter, where in 2000, for every poor household in the urban zone there were 1.6 poor and 2.3 extremely poor rural households (State of the Nation Project, 2001).

65. The analysis of female poverty is complicated by the presence of multiple measurement methods and data sources, compounded by the fact that female poverty is ignored by many of those sources. For example, there are no official data on gender differentials in per capita income (INAMU, 2000); as highlighted in the introduction to this report, gender-specific statistics are an exception rather than the rule. With minor variations according to the various measurement methods and approaches to poverty calculations by gender, the existing data showed that 17.4 per cent of the total female population were living in poverty in 1990, and by 1999 the proportion had grown to around 21 per cent. The equivalent figures for men were 16.9 per cent and 20.3 per in 1990 and 1999, respectively (MIDEPLAN, 1999).

66. Although being a female household head does not automatically lead to poverty, it does make this population group more vulnerable. According to the latest figures produced by the 2000 Census and Household Surveys, the number of poor households headed by women is increasing. At the start of the decade, female heads of household exceeded the number of male heads by 3.2 per cent; by 1998 this difference had widened by 5.7 percentage points. Poverty is more prevalent among female household heads in rural areas, and among those under 35 years of age, possibly with dependent children who have to grow up in the midst of serious shortages (National Institute of Statistics and Censuses, 1999).

67. In order to institutionalize public policy to tackle the problem of poverty among women, the Act on Services for Women Living in Poverty (No. 7769) was passed in April 1998. Its second article establishes that the aims of services for women living in poverty, must include "a comprehensive process containing at least the following: training in human life-skills, technical-labour training, labour market and productive participation, access to decent housing and economic incentives linked to training processes. This formed the legal basis for the Creciendo Juntas [Women growing together] programme, and foundations were laid for continuing to address the needs of the country's poor women, through efforts made by the institutions involved to comply with the law's provisions aimed at improving their quality of life.

68. The general objective of this programme is to implement a comprehensive set of inter-institutional services with a gender perspective, to serve the needs of women living in poverty. These involve personal and collective strengthening, together with technical and labour training to improve their potential for labour-market participation or other productive activity in conditions of equality and equity.

69. According to Piedra (2001), one of the main achievements of the programme during the period involved legitimization of the importance of targeting public-policy actions on women's specific needs. The programme put the importance of establishing public policies to promote equity and equality on the public discussion agenda in Costa Rica; and it also revealed the material and cultural inequalities facing major population sectors, especially women, but also children and older adults. Another achievement was to have generated significant legal support to continue with the programme as an instrument for implementing the Act on Services for Women Living in Poverty. There were also achievements in implementing the

programme's components, given that about 14,532 women throughout the country were trained, made aware of their rights as citizens and strengthened personally and collectively. At least 144 women's groups were organized around income-generation projects; and many women made their own efforts to gain access to the various technical training and educational alternatives, among other things.

70. Nonetheless, Piedra also highlights major challenges associated with strengthening of the programme as a whole. These require investment to develop new institutional capabilities to overcome constraints that exist both at the ideological level and in terms of material and human resources. In addition, the comprehensive service proposal, as proposed, warrants at least a significant deconcentration of resources and fields of action among the participating institutions; promotion of a rationalization proposal for the programme; and creation of mechanisms for oversight and evaluation by the programme's target population and civil society in general.

71. Although women have entered the labour market in increasing numbers during the last decade, they have done so in unfavourable conditions and have faced major discrimination and deteriorating employment conditions. During the decade, total underutilization among women was greater than for men, which explains the higher level of open unemployment and visible underemployment recorded among women. In 1999, there was a 4.5 percentage point difference between the two sexes, whereas in 1990 the figure was just 2.5 points (State of the Nation Project, 2000). Moreover, women were heavily represented in the own-account worker category. This implies major vulnerability, since women were mostly occupied in low-productivity sectors and subsistence activities. Working conditions in this sector were grossly deficient, with self-exploitation prevailing in many cases, compounded by low incomes and deficient social-security coverage.

72. These inequalities showed through as larger wage and income differentials between women and men. Although the wage differential between men and women narrowed slightly during the decade, particularly among more educated women, a gender gap persisted for nearly all occupational groups and at all levels of instruction. Differentials widened in occupational groups where most female employment is concentrated (i.e. personal services, commerce and sales) – in some cases to as much as 70 per cent (National Institute of Statistics and Censuses, 2001).

73. This problem reveals the persistence of conceptions that relegate women to the private domestic domain, with responsibility for caring for the family and their menfolk as providers who take decisions both in the public arena and in the private domain as heads of family. This view of the world prevents women from fully integrating into the labour market, produces gender segregation in employment, maintains persistent gender wage differentials, and renders women's economic contribution to national output invisible. Over 50 per cent of the employed female population are unable to aspire to a longer working day because they have family and personal responsibilities to fulfil; such problems affect only a minority of men (National Institute of Statistics and Censuses, 2001). The occupational structure is highly unbalanced, with women continuing to work in activities that reflect traditional female roles, generally earning the lowest rates of pay.

74. In the education system, despite efforts made during the decade by various administrations to eliminate sexism in school life, teaching practices continue to conspire to reproduce a regime of gender domination. This form of socialization

favours segregation later on – for example, when choosing a career in universities and technical-professional institutions. More women than men enrol in State universities, but there is definite segregation by area of training (University of Costa Rica, 2001). Although the level of segregation during the decade was moderate at 16.5 per cent, its existence reveals the constant presence of a "hidden curriculum". In technical-secondary education, and in courses given at the National Apprenticeship Institute, segregation was more pronounced at around 21 per cent, despite the fact that women account for 45 per cent of the enrolment (State of the Nation Project, 2001).

75. Progress achieved by women in the health domain has been widely recognized, particularly in the sexual and reproductive health area. Nonetheless, the previous report submitted to the CEDAW Committee, recognized the limited and heavily "medicalized" approach that has prevailed in women's healthcare, the consequences of which could be seen in the leading causes of female morbidity and mortality. Starting in 1998, actions reflecting an integrated approach to women's health began to be promoted, through implementation of a healthcare model that comprehensively addresses the needs and interests of women throughout their lifecycle. Such initiatives include the preventive screening programmes for cervical and breast cancer, already mentioned; creation of the National Women's Hospital under this alternative model; recognition by an Executive Decree of women's entitlement to professional advice and freedom to choose surgical sterilization; and strengthening of research and training aimed at promoting the model for health workers in strategic areas.

76. The comprehensive care model for women's health sees health in terms of social production, so the context and social determinants of the life of each person need to be considered. The model was conceived as part of the health sector reform and State modernization process. It promotes conditions guaranteeing women quality healthcare in all domains, with a gender perspective and social participation; and it seeks their training, empowerment, access to decision-making and other health-promoting processes. In this framework, the National Women's Hospital established the following nine priority programmes: sexual and reproductive health; mental health; gender violence; drugs, tobacco and alcohol; teenage pregnancy; sexually transmitted diseases and HIV/AIDS; climacteric, menopause and post-menopause; cervical and breast cancer; health, community and the environment.

77. There is still a long road to travel because, despite the proposal, women's health needs continue to be treated as illnesses, while natural processes pertaining to the female lifecycle are "medicalized". Effective application of the new approach would mean addressing serious problems affecting women's health that are not being tackled in a comprehensive and timely fashion. These include:

- Young girls and adolescent women suffer less malnutrition than men, but are more susceptible to overweight and obesity. The possible causes of this include dietary habits and less physical activity.
- Executive Decree 27913-S set an important precedent by recognizing women's right to decide whether to undergo sterilization, in a free, responsible, secure and non-violent way. Nonetheless, there are issues that remain to be resolved. One of these is the fact that the Costa Rican Social Security Fund (CCSS) places obstacles in the way of men who seek vasectomy in accordance with the provisions of the Decree, thereby

continuing to make women responsible for controlling reproduction. According to CCSS data, there were 15,178 sterilizations among women in 2000, compared to 105 male vasectomies, which seems to confirm the practice alluded to, compounded by failings in advisory processes for women who decide to be sterilized.

- During the decade the prevalence of childbirth among mothers under 20 years of age rose from 15.8 per cent to 20.4 per cent, and women's share of sexually transmitted diseases increased. This development could be associated with contraceptive practices. The National Survey on Reproductive Health carried out in 1999,[6] detected a trend towards decreased condom use and greater prevalence of contraceptive practices among young women, mainly using hormonal methods.
- Young people under the age of majority continue to face restricted access to family planning information and methods, and also long waiting times for attention after arriving at a health establishment.
- Problems persist in the care given to women during labour. Costa Rica reported a high level of caesarean deliveries despite a reduction in the total number of births.
- Depressive ailments and their forms of treatment received scant attention.
- Although the health-sector reform process set mechanisms in motion to elicit greater civil-society participation in decision-making, women did not form a substantive part of these structures. Moreover, a significant part of their health needs and interests are not being systematically addressed in public policies and institutional priorities, despite the existence of a comprehensive care model for women's health.
- Care for women with disabilities continues to be marginal, even though the country passed the Equal Opportunities for Disabled Persons Act. According to data from the 2000 Population Census, one out of every 20 people suffers from some form of disability; the figure rises with age, and the rate is generally higher among men than among women (55.3 compared to 51.6 respectively). The most common form of disability among men is blindness, whereas women suffer from a variety of disabilities (National Institute of Statistics and Censuses, 2001)[7].

78. Despite these initiatives and efforts, resistances to change persist, which result in a limited vision of women's health among health authorities and personnel, compounded by practices that infringe human rights. The emphasis continued to be placed on areas related to female reproductive health, albeit with a broader vision.

79. A major problem in the reproductive health area is the rising frequency of childbirth among teenage mothers, who have seen their share of total deliveries increase while fertility among other age groups has declined. The phenomenon of teenage motherhood has serious implications in the overall development of this

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[6] The National Survey on Reproductive Health was conducted in 1999 by the Central American Population Programme of the University of Costa Rica, based on a sample of 1,612 women between 18 and 44 years of age. Of these, 1,029 women form a nationally representative group, comparable with the 1992 sample.

[7] Per thousand inhabitants.

population group, since early pregnancy curtails many opportunities and exposes this population group to the risk of poverty. Tackling the problem requires a review of the following: the impact of legislation on health and sexual and reproductive rights; generic socialization at family and school level; the efficiency of care strategies; and changes in sexual behaviour among this age group. A study carried out by the Centre for Research in Women's Studies of the University of Costa Rica (2002) with teenage mothers participating in the Construyendo Oportunidades [Building opportunities] programme, found a very close relation between early pregnancy and the place occupied by motherhood in the life projects of these young girls.

80. In view of this problem, since 1999 the Inter-Institutional Council on Services for Teenage Mothers, together with the Office of the First Lady of the Republic and the National Institute of Women, have been promoting the Construyendo Oportunidades programme. This is an inter-institutional, intersectoral programme for personal and social strengthening among young girls, pregnant teenagers and teenage mothers living in poverty. In 2002 a training component for young girls and adolescents at social risk was added to the programme. In addition, another component was developed entitled "Oferta de Servicios Integrales" [Supply of comprehensive services] with the aim of providing quality services in the areas of health, formal education, technical training and child care, and the opening of new training alternatives in non-traditional competitive areas in the labour market.

81. A variety of studies recently conducted in Costa Rica (Faerron, 2002; Preinfalk, 1998; Rosero, 2001) reveal the need for education programmes for sexuality, to replace the genital focus of existing programmes by others stressing affective development, personal identity and the values of individual and social respect. According to the INAMU Construction of Identities and Life Projects Area, in 1990 there were 360 children born to mothers under 15 years of age in Costa Rica, and the figure had risen to 597 by 1999. A similar trend can be seen among the 15-19 age group, where the total number of births in 1999 amounted to 15,444, compared to 12,578 in 1990.

82. In 1999, the Rodríguez Echeverría Government implemented the Amor Joven [Young Love] programme, proclaiming the right of young children and adolescents of both sexes to receive education for sexuality. This recognized that teenagers of both sexes have the same basic rights as other age groups, while requiring social policies and programmes tailored to their particular needs.

83. During the two years that this was allowed to function as an education programme for sexuality in the Ministry of Public Education, it succeeded in developing a broad conceptualization of the phenomenon and raised awareness of the issue in various sectors. During this time it received support from other State institutions, such as the Costa Rican Social Security Fund (CCSS), the Ministry of Health, the former National Youth Movement (now the National Council on Public Policy for Youth), the Ministry of Justice, the National Children's Office and INAMU, and addition to participation from several NGOs.

84. Nonetheless, during its period of implementation it aroused fierce criticism from a number of sectors, particularly the hierarchy of the Catholic Church. The Church used its influence through religious associations and other related sectors to obstruct the formulation of policies on education for sexuality. All such organizations expressed flat opposition to contraception and the use of condoms to

prevent transmission of HIV/AIDS, and they intervened in the contents and methods of education for sexuality in public schools and colleges, since in their opinion, these contravened Christian morality.

85. Such actions, supported by resistance from a number of authorities and staff at the Ministry of Education, paved the way for far-reaching reforms to made to the proposal, which basically reduced it to a sex education programme.

86. Gender violence against women is now recognized as a public health problem, and forms part of the agenda of all political parties and governments. Sustained efforts by many social agencies, particularly women's organizations, to elicit a State response to the problem, resulted in creation of the National Operational Plan for the Care and Prevention of Domestic Violence (PLANOVI) in 1996, which is coordinated from INAMU. The plan's main objective is to set up and operate a community-based inter-institutional system to coordinate State and civil-society actions in addressing the problem of violence in the home against women and their children of both sexes.

87. These actions resulted in the Domestic Violence Act (No. 7586) being passed, which enables women to request protection measures for themselves and their family, accords the problem social recognition by breaking the taboo surrounding it, and gives women the courage to report acts of violence more readily. Between 1996, when the law entered into force, and 2000, the number of protection orders has multiplied sixfold. Nonetheless, progress has been undermined by the number of provisional protection orders that judges subsequently lift, which in 2000 occurred in 70 per cent of cases (State of the Nation Project, 2001). Another cause for concern is the stability seen in the "femicide" rate, which confirms the existence of a powerful social basis of violence against women. According to the Office of Women's Affairs, women are the most frequent victims of domestic violence. In 1999 alone, of the total number of culpable homicides in the domestic domain, women were 5.5 times more likely to be victims than men (Carcedo and Sagot, 2001).

88. Application of the Domestic Violence Act (No. 7586) has encountered resistances and difficulties, and has proven incapable of bringing the perpetrators of violence against adult women to justice. Accordingly, in 1999, a draft law on the Criminalization of Violence against Adult Women was submitted to the Legislative Assembly. This aims to criminalize violence exerted against adult women by people close to them (where relationships of trust are involved), in order to provide justice and prevent aggressors from acting with impunity. Despite receiving unanimous backing from the Special Women's Commission of the Legislative Assembly since August 2000, the bill has not yet been passed. This process reaffirmed the deep resistance that exists in influential sectors of Costa Rican society that refuse to recognize women's fundamental rights, including their entitlement to a life free from violence and subordination.

89. The rise in the number of complaints filed for sexual offences in itself represents progress, because sexual violence is now considered a public health problem and public awareness is starting to take hold. The offence most frequently reported related to dishonest abuse, which generally occurs with minors. Commercial exploitation of children and teenagers of both sexes was and is a subject of growing attention, partly because of an increase in the number of

situations reported since the 1999 Act on the Sexual Exploitation of Minors (No. 7899) (State of the Nation Project, 2001).

90. This law sees the problem in terms of sexual aggression and exploitation, rather than as acts of perversion towards the victims of this form of violence. Actions stress punishment of those responsible, classification of such acts as crimes, and protection of minors.

91. Although Costa Rica now has more services and response mechanisms available at the national and local levels, supported by closer coordination between the relevant institutions, many gaps and weaknesses still persist that need to be addressed without delay. Women facing various types of violence continued to be revictimized institutionally. In addition, the focus on domestic violence has distracted attention away from other forms of aggression such as sexual violence against women with disabilities and older adults. The State and justice administration have not guaranteed access to justice and adequate protection for women who survive violence. The legal instruments approved were ineffective in keeping aggressors away or under control, failing to prevent and punish sexual harassment in the workplace and in education, and the sexual exploitation of young girls and teenagers for commercial purposes.

92. Costa Rica made significant progress on the regulatory front during the reporting period, not only in the number of international instruments and laws approved, but also in terms of their scope. In late 2000, the first court specializing in domestic and sexual violence began operating in the Second Judicial Circuit of San José, as a pilot scheme that could later be extended to other regions of the country. In March 2001, the Legislative Assembly ratified the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), thereby opening up the possibility of pursuing legal action at international level. On 16 April 2001, the Responsible Paternity Act (No. 8101) was passed. This is a revolutionary instrument in Latin America, which streamlines paternity recognition suits and affords women, especially those with children outside marriage, protection from one of the most violent and widespread forms of patrimonial aggression, namely fathers' refusal to take economic responsibility for their children by not recognizing them legally. This places a burden on women who have to bear the expense of pregnancy and the child's upbringing alone.

93. These elements of progress met with resistance on other fronts, such as the bill to Criminalize Violence against Adult Women. Having received unanimous approval by the Special Permanent Commission for Women of the Legislative Assembly in August 2000, this draft law faced a whole range of obstacles, including actions for unconstitutionality and filibustering. The bill aims to criminalize violence perpetrated against women by persons close to them, where situations of trust exist, as a way of bringing aggressors to justice and preventing them from acting with impunity. The legislation has still not been passed by Congress.

94. Costa Rica has an extensive body of regulations to protect women's human rights, but stronger mechanisms are needed to enforce them and to promote awareness and ownership among justice administration staff and the population at large. Costa Rican legislation has no specific offence of discrimination, for example, although laws have been passed which include sanctions. In practice, many examples of discrimination go unpunished, and the victims do not bother to seek redress.

95. The 1990s were prolific in terms of creating mechanisms for formulating and executing public policies on gender equity and the protection of women's rights. In addition to creation of the Commissioner for Women in the Office of the Public Commissioner, gender-equity units were created at ministerial and sectoral level, and municipal women's commissions and women's offices in local government were extended; the Permanent Special Commission for Women was established in the Legislative Assembly; and specialized mechanisms were created in the judiciary and in public universities.

96. In 1998, the National Institute of Women (INAMU) was established by law as the National Mechanism for the Advancement of Women, superseding the National Centre for the Development of Women and the Family. This measure was strengthened by the appointment of a Minister for Women's Affairs, thereby guaranteeing direct access to the Cabinet and helping INAMU fulfil its supervisory role on gender equity in public administration. As part of this process, the National Policy on Gender Equality and Equity was promoted with a view to mainstreaming gender issues in public policies and facilitating women's empowerment processes. Another major step forward in this field was the signing of Executive Decree 28484 on 2 March 2000, creating high-level political-technical commissions in seven public institutions, and the preparation and execution of institutional Action Plans for Gender Equality and Equity between Men and Women.

97. Nonetheless, the work of these institutions was constrained by the low levels of public expenditure allocated to them. INAMU itself had major problems in accessing the funds assigned to it by law, which restricted its actions and undermined its real potential to fulfil its leadership role. In addition to this situation, gender criteria were not taken into account in the distribution of public expenditure nor was the comparative impact of such expenditure on women and men measured. The prevailing institutional culture continues to favour programmes for the whole population, and the specific needs, interests and demands of women are kept invisible. Other problems include politicization of staff appointments in some municipal women's offices, revealing a lack of sensitivity among local governments towards the demands of women and their entitlement to quality services.

98. During the decade, women achieved increasing participation in political parties and in electoral processes, and also in terms of public discussion of favourable conditions for their participation and critical exercise of citizenship. Although women still do not enjoy an equal share in popular representation mechanisms, significant progress has been made – thanks partly to reform of the Electoral Code imposing a 40 per cent minimum participation quota. In 2000 a major step was taken towards consolidating this right, when the Supreme Electoral Tribunal issued a ruling (Procedure 14.582) that established a minimum 40 per cent female share for seats in the Legislative Assembly and municipal councillor and trustee posts, applicable to both incumbents and deputies. This regulation had significant effects, as the number of women candidates for deputy grew from 17.8 per cent of total candidates in 1990 to 47.2 per cent in the 1998 election. For the 2002 election, women increased their participation to 35.1 per cent. The most significant advance was seen in the number of women elected as municipal councillors, which rose from 12.4 per cent in 1990 to 45.8 per cent in 2002 (State of the Nation Project, 2001; Supreme Electoral Tribunal, 2002).

99. The latest electoral process generated important lessons in this area. Political parties defined a variety of procedures and mechanisms for complying with the 40 per cent female quota. Except for the Citizens Action Party, whose mechanism guaranteed parity, the remainder of the parties imposed conditions that made things more difficult for women. The unexpected results of the election for deputies and local government officers meant that many women candidates failed to win seats despite obtaining results which in the past would have elected them. Ultimately, women accounted for 35.1 per cent of all deputies elected, and 46.7 per cent of all councillors. Fulfilment of the quota in centralized and decentralized State institutions remains to be achieved.

100. Costa Rica has a democratic political system that complies with basic requirements such as an electoral mechanism guaranteeing free, fair, contested and recurrent elections; a division system which is reasonably developed and exercises control over its functions; oversight institutions and mechanisms; free and independent public opinion, and effective protection of political and civil liberties classified as human rights (State of the Nation, 2001).

101. Costa Rica continues to enjoy considerable political stability, and there is a traditional civic spirit and trust among citizens in institutions that are seen as being above party politics. The level of stability has been undermined in recent years, however, by the following in particular: mutual distrust between governors and governed, defects in the system's political representation mechanisms (both legislative and party); a lack of suitable mechanisms for resolving disputes, and weaknesses in processes for reaching consensus outside the formal political system. There seem to be few mechanisms that encourage alternative forms of participation, and those that do exist are not well exploited (State of the Nation, 2001).

102. Women's organizations and groups, together with organizational networks and groupings, specialized programmes in public universities and NGOs, formed a broad front that has played a major role in the changes that have taken place in the country through legislation, public policies and other actions. Many of the laws enacted during the period resulted from consensus between sectors of the women's movement and INAMU and other State institutions. Such organizations played a key role in the application and monitoring of these laws, through informative and advisory actions, supported by direct interventions to guarantee their enforcement.

103. The INAMU Women's Forum was created to encourage women to participate as citizens, as part of the Act Creating the National Institute of Women (No. 7801). The forum exists for consultative purposes and consists of women's social organizations and others working on behalf of gender equity. Despite its advisory status, the institution gave major support to INAMU in its struggle to guarantee funding for the National Mechanism, as well as monitoring and formulating proposals to reform legislative bills aimed at enhancing equity between the genders, promotion of the consultative capacity of organized civil society, and a proposal to reform the INAMU constitutional charter in order to democratize its decision-making structures.

104. The most recent electoral campaign provided an opportunity for various organizations and networks to coordinate initiatives for a national debate on the situation of women, and a minimum agenda covering areas of priority concern for women. The initial experience of drawing up an electoral manifesto as a women's movement occurred in 1998 when the Women's Political Agenda was published.

This subsequently spawned an organization with the same name, and the document opened up a fruitful discussion inside the movement. For the elections of February 2002, the agenda was updated with input from other organizations and groups, leading to a process of negotiation and accountability with the presidential candidates of the 13 registered parties. In the process, other initiatives were incorporated from various women's sectors, aimed at developing specific agendas or platforms.

PART II

Analysis of the Articles of the Convention

Articles 1 and 2:
Policies and measures aimed at eliminating discrimination against women

Article 1: For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2: States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

g) To repeal all national penal provisions which constitute discrimination against women.

Constitutional regulations and international treaties

105. On 27 May 1999, the current Political Constitution of the Republic of Costa Rica (1949) ceased to use the word "man" as a generic term denoting both men and women, following approval of a reform to article 33 of the Basic Charter implemented through Act No. 7880. The constitutional reform replaces the term "man" by "person", as follows: "Article 33.- All persons are equal before the law, and there shall be no discrimination against human dignity." Although the reform does not explicitly, positively and clearly establish that "person" refers to "man and woman" as recommended by the CEDAW Committee, the change in wording represents a major step forward in the fight to eliminate male-centred language in

legal texts, and to ensure that the principle of equality between men and women is enshrined in the Political Constitution. The Act also amended article 20 of the Constitution to bring it into line with article 2 of the Convention, replacing the Spanish masculine noun "esclavo" by separate masculine and feminine forms "esclavo" and "esclava" in order to avoid interpretations that could lead to possible legal discrimination on gender grounds.[8]

106. The Act Promoting the Social Equality of Women (No. 7142), approved in 1990, took a step forward in domestic legislation by explicitly proclaiming equality between men and women, and non-discrimination against women, in fulfilment of the CEDAW recommendation on this point.

107. The process of eliminating male-centred biases in national legislation, and particularly in the Political Constitution, has been a slow and laborious one, because the law is a social phenomenon in which the specific needs and interests of women are persistently made invisible. Ratification of the Convention by Costa Rica in 1984 made it possible to re-conceptualize the principle of formal equality between individuals, with a concept of equality based on differences. Thus, "discrimination" understood as differences in treatment, acquired a new content defined in terms of exclusions from women's rights. Discrimination occurs in both the origin and the letter of the law, when women's rights are restricted or nullified, or when the same effect results from an interpretation of the law by staff responsible for justice administration. Avoidance of male-centred language in legal instruments is an important step in this process, but it needs to be matched by aggressive and systematic actions to enhance the knowledge of personnel operating the justice system regarding the principles on which international regulations are based, and the content and scope of the specific instruments of women's human rights.

108. Since 1951, Costa Rica has ratified more than 20 international treaties protecting women's human rights in a variety of fields.[9] Although approval of this legislation made it possible to pass specific laws and reform discriminatory regulations in national legislation, there is still a lack of knowledge about the existence of specific instruments of women's human rights among legal professionals of both sexes. This situation results in their limited application in processes nationally, despite being directly applicable without the need for an explicit regulation to activate them. Only the Constitutional Chamber uses such instruments frequently in the jurisdictional domain.

109. Another transcendental landmark for effective application of the principle of equality and effective protection of women's human rights, was the approval by the Legislative Assembly of Act No. 8089 (Approval of the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination Against Women) on 12 February 2001. This legal instrument enables Costa Rican women to file actions against the State for non-compliance with the Convention. The Protocol also makes it possible for the Committee on the Elimination of Discrimination against Women

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[8] The text approved by the reform stipulates : « *Articulo 20.- Toda persona es libre en la Republica, quien se halle bajo la proteccion de sus leyes no podra ser esclavo ni esclava.* »(Article 20.- All persons are free in the Republic; no-one under the protection of its laws can be a slave. »)

[9] Table 1-1 in Annex 2 provides a summary of international treaties specifically protecting women's human rights, ratified by Costa Rica between 1951 and 2002.

to investigate any serious violation or systematic infringement of women's human rights protected by this Convention.

110. On 28 November 2000, the Inter-American Convention on Support Obligations was ratified as Act No. 8053. This treaty protects former spouses, children under the age of majority, dependent fathers and mothers and other direct family dependents or those suffering from a disability, when the person required to provide such support has assets or incomes in a State party different than that of the person to whom the support is due. Approval of this treaty makes it possible to formally resolve the problem faced by a large number of Costa Rican families, many of which are headed by women, who were unable to collect their support payments because the person liable or their assets are located in a different country.

General and specific laws

111. When the previous report was published, there were several draft laws in the pipeline awaiting approval. Most of these had been tabled by INAMU to resolve discrimination existing in general laws such as the Family Code and the Labour Code. An evaluation of bills that were shelved, because their deadlines expired, revealed that several of them had weaknesses that were later overcome or resolved by other bills that have now passed into law (e.g. the Responsible Paternity Act). In other cases, bills subsequently presented incorporated aspects contained in the shelved projects, thereby superseding them. Some legal bills were not monitored by INAMU, as they were considered to be of limited importance or did not help resolve substantive problems of discrimination against women.

112. During the period covered by this report, several specific laws were passed and pre-existing ones reformed, as indicated in table 1. Several reforms to general and specific laws and the creation of others seeking to resolve serious problems such as the impunity of violence against women, are currently about to be shelved or are awaiting debate by the Legislative Assembly in plenary session. Annex 2 gives details of these, and on the current status of legislation that was awaiting final decision or in the process of being approved at the time of the previous report.

Table 1

Costa Rica: Reforms to general and specific laws approved by the Legislative Assembly, 1 March 1998 to 28 February 2002.

Act No.	*Title of legislation*	*Date of approval*
7769	Act on Services for Women Living in Poverty	24 April 1998
7801	Act Creating the National Institute of Women	30 April 1998
7817	Act Creating the Amor Joven and Construyendo Oportunidades programmes	5 September 1998
7899	Act on Sexual Exploitation of Minors	3 August 1999
7935	Comprehensive Act on the Older Adult	25 October 1999
7940	Authorization for IMAS to grant total and partial forgiveness of mortgage loans on social housing	9 November 1999
7954	Creation of the Women's Gallery	21 December 1999
7950	Reform of the National Housing Finance System Act	12 January 2000
8101	Responsible Paternity Act	27 March 2001
8128	Creation of the Domestic Violence Court in the Second Judicial Circuit of San José	20 August 2001

Act No	Title of legislation	Date of approval
8129	Creation of Domestic Violence Courts in the Judicial Circuit of Heredia, in the First Judicial Circuit of Alajuela and the Initial Circuit of Cartago, and a Criminal Court in the Canton of la Unión, Cartago Province.	23 August 2001

Source: Legislative Assembly of the Republic of Costa Rica, 2002.

113. As Table 1 shows, the laws approved are highly varied. They include institutional strengthening, promotion of gender-equity and institutionalization of public policies to protect the rights of specific women's sectors (e.g. adult women living in poverty, pregnant teenagers and teenage mothers, older adult women); laws that aim to give greater visibility to the contribution made by Costa Rican women to economic, social, political and cultural development, and to facilitate access to the resources and services needed to improve their quality of life.

114. Two laws were passed during the reporting period that have major political and social impact: the Act Creating the National Institute of Women, and the Responsible Paternity Act. The first of these gave the National Mechanism greater political rank and administrative autonomy. The Responsible Paternity Act, on the other hand, instituted a new modality for accrediting the paternal filiation of children born outside marriage. This revolutionary instrument streamlines processes for recognizing paternity, and will afford women protection from one of the most violent and widespread forms of patrimonial aggression: namely fathers' refusal to take economic responsibility for their children by denying filiation.

115. In an effort to combat and eliminate the organized trafficking of women, children and adolescents, including sexual exploitation, prostitution and sex tourism, the Act on Sexual Exploitation of Minors (No. 7899) was passed in 1999. In addition, a Special Prosecutor for Sex Crimes and a Sexual Exploitation Unit were established in the Ministry of Public Security.

116. These advances have encountered resistance on other fronts, as happened with the bill to Criminalize Violence against Women. Although this bill received unanimous support from the Special Permanent Commission for Women of the Legislative Assembly in August 2000, it has had to overcome a whole range of obstacles to gain approval, including actions of unconstitutionality and filibustering by a number of legislators. The bill aims to criminalize violence perpetrated against women by persons emotionally close to them, where relationships of trust exist, in order to provide justice and prevent aggressors from acting with impunity. Despite unanimous approval from the Commission, this legislation has still not been approved by Congress.

117. During the last two years, the country has witnessed the emergence of a number of neo-conservative groups (e.g. libertarians, separated parents) that have expressed their rejection of this type of legislation and gender-equity policies, arguing that they violate men's rights and give privileges to women. At the same time, male-centred perceptions persist that elicit strong resistance from law-makers, judges and magistrates against the various legislative bills and legal actions in this area. Legislation such as the Responsible Paternity Act and the bill to Criminalize Violence against Older Women have aroused fierce debate in which have brought these resistances and attitudes to the fore. The first of these bills generated polemic

concerning parental rights, but the arguments were weakened when weighed against the rights of the children. It has not been possible to achieve a similar shift in opinion with regard to Criminalization of Violence mainly because this seeks to protect women's rights and thus undermines the very foundations on which power relations between the genders rest. This also helps to explain the resistance being met by reform to the Act on Sexual Harassment in the Workplace and in Education, which is currently in the legislative pipeline. Among other changes, the reform proposes lifting the special immunity granted to members of the leadership of labour unions, the President and Vice-President of the Republic, Ministers, Legislators, Supreme Court judges, and others.

118. So far it has been impossible to overcome the serious problems of discrimination that result from the way legal instruments are interpreted at various levels of the justice system, including the Constitutional Chamber. In 2000, for example, in relation to the right to political participation established in articles 4 and 5 of the Act Promoting the Social Equality of Women, and in the Convention on the appointment of a percentage of women in public posts, the Constitutional Chamber ruled that from a jurisdictional point of view this is a commitment for public authorities and political parties, but not a fundamental right guaranteed directly through the Constitution. This represented a retreat from an earlier 1998 ruling by the same Chamber, which determined its coercive nature, stating "... the fact is that participation was not given to women in that collegiate body, as mandated in the Basic Charter and also in law, thereby violating the principle of equality and prohibition of any form of discrimination against women considered as a gender and a collectivity, rather than as individuals." The same happened with the interpretation of article 7 of the Act Promoting the Social Equality of Women, which was declared partially unconstitutional in requiring registration of social housing in the woman's name in the case of common-law marriages.

119. Another retrograde step was taken by the Constitutional Chamber in its ruling against the Banco Popular y de Desarrollo Comunal (Procedure 00-009388-007-CO), concerning the legal and social need to increase female participation in the political life of that public body. This was rejected, however, on the grounds that "the Workers Assembly is regulated by articles 14 and 14 bis of the Charter Act of the Banco Popular y de Desarrollo Comunal, with amendments introduced by Constitutional Chamber vote No. 1267-96, which replaced composition by fixed quotas assigned to each sector, which had been in force until then, with rules of composition based on principles of proportionality and reasonability. This meant that henceforth the number of delegates to the Assembly from each sector would be defined not by fixed quotas, but in strict proportion to the number of its compulsory saving affiliates."

120. Discrimination also occurs when the law is disregarded in situations for which it was meant to be applied. Article 30 of the Act Promoting the Social Equality of Women reformed article 152 of the Code of Criminal Procedure. This established a measure of protection by forcing the aggressor to leave the home and requiring a family maintenance deposit in cases of complaints of sexual offence or injury. The Women's Commissioner reported its non-enforcement to the Supreme Court of Justice. A commission consisting of representatives from the Court and the Office of the Public Commissioner drafted a regulation to the law which was approved and published on 1 December 1994 in the Legal Bulletin. Despite this, application remains limited.

121. Another major challenge faced by the Costa Rican State entails fulfilment of its commitment to take measures to prohibit all forms of discrimination against women, and define the respective sanctions. A large portion of current legislation does not establish sanctions for parties who fail to comply with the established measures, thereby violating the Convention itself and encouraging impunity. Effective protection of women's human rights by the Costa Rican State requires guaranteed conditions for women to obtain justice, in other words making it possible for them to demand punishment for violations of their rights, including damages. Otherwise, rights enshrined in international and national legislation become a dead letter, and impunity is fostered.

Executive decrees

122. Several executive decrees were passed during the reporting period, which represent major progress in strengthening institutionality and recognition of women's human rights:

- On 30 March 1998, Executive Decree 26989-MTSS was approved, authorizing night-shift work by women in industrial activities, since restriction thereof implies gender-based discrimination.
- Executive Decree 27217-S-MP of 4 August 1998, created the National Council to Combat Cervical and Breast Cancer. This body collaborates in issuing policies and instructions for the prevention, detection and treatment of these types of cancer affecting women.
- Executive Decree 27227-J of 13 August 1998 founded the National Council for the Prevention of Violence and Crime, as a mechanism for inter-institutional coordination of violence- and crime-prevention policies.
- Executive Decree 27346-MINAE of 28 August 1998 institutionalized the incorporation of a gender-equity focus in all policies, programmes, projects and plans of action of the Ministry of Environment and Energy, and its various dependencies; it also approved the text of the Ministry's Gender Policy Declaration.
- Executive Decree 27250-RE-J of 3 December 1998 established "National Human Rights Week" to be held in the week of 10 December each year, given that education, promotion and effective execution of human rights instruments constitutes the basis for constructing a culture of peace, justice and freedom.
- Executive Decree 27516-MTSS of 9 December 1998 instituted the Office for Care and Eradication of Child Labour and Projection of Teenage Employment in the Ministry of Labour and Social Security.
- Executive Decree 27623-Plan- MCM-MTSS-MIVAH, of 21 January 1999, issued regulations to accompany the Act on Services for Women Living in Poverty (No. 7769).
- Executive Decree 27913-S on Sterilizations, of 14 May 1999, created the Inter-Institutional Commission on Reproductive and Sexual Rights to fulfil the State responsibility of safeguarding the right of all persons to control all areas of their health, and particularly their reproductive capacity. The decree requires all public and private institutions providing sexual and reproductive

health services to establish a Health and Reproductive and Sexual Rights Advisory Service, staffed by professionals drawn from various disciplines with training and experience in this field.

- Executive Decree 26664 of 19 December 1997 approves the National System for Care and Prevention of Domestic Violence, which was ratified by the Rodriguez Government through Decree 27706 of 9 August 1999.
- In February 2000, Executive Decree 28484 MAG-MEP-MTSS-MS-Minister for Women's Affairs was approved, along with the development of action plans for gender equality and equity between women and men. This politically strengthened the role of the Minister for Women's Affairs and the National Mechanism, and gave public institutions responsibility for establishing and executing public policies on gender equity.

Agreements and instructions on gender equity issued by the Government of Costa Rica and the Supreme Court of Justice

123. During the period covered by this report, both the executive and the judiciary have issued a number of agreements and instructions aimed at facilitating and strengthening actions to incorporate gender-equity in public administration. These range from the creation of Ministerial and Sectoral Women's Units, to the application of mechanisms and procedures guaranteeing women equal access to services and resources, and protection against threats to their personal integrity such as violence by a family member. This mechanism is available to both the executive and the judiciary to compensate for the gaps existing in legislation and public policies.

- Cabinet Social Council Agreement of 17 May 1994, creating Ministerial and Sectoral Women's Offices, aimed at enforcing government policies promoting equity and equal opportunities between women and men in public administration.
- On 23 December 1998 the Cabinet ruled that at Christmas and on festival dates, institutions and public officials of both sexes, including the police, will guarantee to respond to any requests for help and special protection made by persons affected by situations of domestic violence.
- Instruction No.17 issued by the President of the Republic on 3 March 1999, guaranteeing women dignified access to the public service provided by the State bank, with the same opportunities and under equal conditions to the rest of the population, in their capacity as citizens, and as their inalienable and inherent right as human beings.
- Instruction No. 3 of 20 July 1998, issued by the Minister of Labour and Social Security, requiring authorization for dismissal of pregnant workers to be dealt with through a special procedure, in which due process would be ensured, along with the defence rights established in the Constitution.
- In 1999 a Cabinet agreement was signed setting out instructions for preparing Action Plans for Equality and Equity between Women and Men in ministries and autonomous bodies. These should define explicit actions and deadlines, and contain policy guidelines based on international agreements on the subject signed by the Costa Rican State, including the Beijing Platform for Action.

- Instruction 13-98 of the Court in Plenary Session, regulating the establishment and operation of the interdisciplinary teams envisaged in the Code of Criminal Procedure and the Code on Children and Adolescents, to address the requirements of justice on domestic violence, among other matters.

Reforms to legislative regulations

124. On 11 November 1999, an amendment to article 84 of the Legislative Assembly Regulations concerning Permanent Commissions was published in Part 86-A of Gazette No. 219, creating the Special Permanent Commission for Women in that institution. The Commission is responsible for scrutinizing and certifying draft laws concerning situations facing women, with faculties to propose amendments and carry out political oversight functions on the actions of public administration.

125. The existence of a Specialized Commission makes it possible to streamline processes for approving bills aimed at eliminating discrimination against women and removing obstacles preventing equality of opportunities between women and men in various domains. As a result, reforms to general legislation and special laws are more likely to receive timely and more careful consideration, before being sent for consideration by the plenary of the Legislative Assembly.

Legal assistance services

126. Legal assistance services for women, whose rights are violated and are facing various forms of discrimination, focus on legal information and advice, since most of these services, whether public or private, do not have the resources to support women on a systematic and continuous basis. This situation creates disadvantages in access to justice, mainly for women whose socioeconomic circumstances not allow them to pay for specialized services.

127. The situation is worse in the case of women belonging to ethnic groups, who face a justice administration system that does not understand and is not designed to serve their needs. Staff are not made aware of the prejudices that still exist towards Afro-descendant and indigenous women.

Legislative bills outstanding and reforms needed

128. There are a number of areas where improvements are still required, some of which are covered by draft laws that have already been submitted to the Legislative Assembly:

- Criminalization of violence against women: in order to end impunity for aggressors, typify domestic violence as a crime and define the respective penalties. There were two bills in the legislative pipeline in Congress at the end of the period covered by this report.
  - Reform to articles 124 bis and 125 of the Criminal Code, on the Typification of Domestic Aggression, contained in Procedure 13081. Despite receiving unanimous backing from the commission that studied it, this reform is about to be shelved because the regulation period has expired.
  - Procedure 13874 "Criminalization of Violence against Adult Women" received unanimous approval from the Special Permanent Commission

for Women, and currently is in the Consultation Commission. It is also about to be shelved because of expiry of the deadline.

- Reform to articles 2, 7, 9, 12, 13, 24 and 31, and addition of article 31 bis of the Act on Sexual Harassment in the Workplace and in Education (No. 7476) (Procedure 13094). This has been unanimously approved in the Commission. The process was delayed because the union movement was not consulted. A number of proposals were introduced as motions and were approved, but others are pending in the Third Plenary Legislative Commission. Approval of this reform would make it possible to lift the protection enjoyed by persons covered by special immunities (e.g. judges, deputies, union leaders) against accusations of sexual harassment, among other offences.
- On the issue of electoral reform to guarantee compliance with the participation quotas in all political spaces and strengthen women's access to decision-making, three legislative bills are currently in the pipeline:
  - The draft law on Political Parties which is currently before the Special Mixed Commission (Procedure 14268), where it has been approved. It has not been included on the legislative plenary agenda.
  - Reform of the Electoral Code to include compliance with minimum quotas for women's political participation (Procedure 14592) is currently being scrutinized by the Electoral Reform Commission.
  - Reform to the Electoral Code (Procedure 14268) which seeks comprehensive reform of electoral procedures.
- Reform of the Act Creating the National Institute of Women (No. 7801) (Procedure 14591) was presented by the INAMU Women's Forum. This aims to democratize decision-making in the Institute by increasing the number of civil-society representatives on its Board of Directors and providing for representation by public universities. In addition, the proposed changes guarantee real autonomy for the Women's Forum as a consultative and advisory civil-society body. This proposal is currently under study in the Special Permanent Commission for Women.

129. Other critical areas where reforms are needed were also identified.

- Protection against sexual harassment in private enterprise and other contexts apart from employment. A draft law has been submitted and has gained approval by the Special Permanent Commission for Women's Affairs. It has not yet been discussed by the Legislative Assembly in plenary session.
- Special protection against acts of violence towards people of particular social status based on race or ethnic origin, and for migrant, refugee or displaced persons and female prison inmates.
- Review of the Act on for Protection of Older Adults.
- Review of the Act on Control of Advertising (No. 5811), in terms of its jurisdiction, and approval of the regulation to Act No. 7440 on Public Spectacles.

Legal literacy

130. Costa Rica's experience on this issue offers a number of lessons at the conclusion of the period under study. One is that while legislation is an extremely important resource to protect women against gender discrimination and promote equality of opportunities, it is nonetheless insufficient. Making women legally literate is an essential step in enabling them to gain ownership of the laws and use them to their benefit. Most services aimed at raising the level of legal literacy stress the role of information. When confronted by gender discrimination and violence, women generally do not know how to use a law, because they are often unaware of the mechanisms that exist and how to access them. They are forced to deal with an exclusive system, where justice officials of both sexes act with scant sensitivity to gender differences. In many cases they themselves are unaware of the rights applicable to women, and they systematically violate them.

131. Improving legal literacy among women – including female workers in the justice system, the staff of State institutions and NGOs, women's organizations and citizens generally – should be done as part of systematic information and training processes that are sustained over time. It is not enough to provide sporadic talks and workshops. It is advisable to design entry profiles for population groups that are targets of training processes and information and educational campaigns, in order to start evaluating the impact of actions and processes.

Article 3:
National, sectoral and institutional policies for the promotion of equal opportunities

Article 3: States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Institutional mechanisms for the advancement of women

National Government mechanism : National Institute of Women (INAMU)

Its background, aims and strategies

132. Since its creation in 1986, the National Centre for the Development of Women and the Family (CMF) was the lead agency for national policies on women, having its own legal status and assets despite being attached to the Ministry of Culture, Youth and Sports. This legal dependency restricted its field of action, however, and experience accumulated by the Centre led to the following conclusions:

- Public policies on gender equity and equality require commitments at the highest levels of decision-making, supported by sectoral commitments for policy execution by public-sector bodies;
- The Centre was hampered in exercising oversight functions on this issue, given the contradiction existing between the scope of its competencies and its position in the State apparatus as a body attached to a Ministry.

133. The Beijing Platform for Action recommends the following conditions to enable mechanisms for the advancement of women to operate effectively:

- Location at the highest possible level in the Government, under the responsibility of a woman Cabinet minister;
- Endowment with sufficient resources in terms of budget and professional capacity;
- Provision of opportunities and the corresponding mechanisms to influence development of all government policies and planning from a gender perspective.

134. In the light of this recommendation and commitment, the Costa Rican State, in conjunction with women's sectors of organized civil society, decided to strengthen the existing National Mechanism. In order to give it adequate administrative and political rank, together with appropriate legal status for management and direction of public policies on gender, the Centre for the Development of Women and the Family became the National Institute of Women with its own legal status and budget, under Act No. 7801 of 30 March 1998.

135. The revamped institution sought to promote women's social, political, economic and cultural participation, together with full enjoyment of their human rights in conditions of equality and equity with men. Broader aims were also defined, which can be summarized as follows: formulation and promotion of national policy on gender equality and equity; protection of women's rights; promotion of gender equality; coordination to ensure public institutions establish and execute national policy on gender equality and equity; and promotion of full social, political, cultural and economic participation by women (INAMU, 2002).[10]

136. As an autonomous decentralized body, it had higher rank and its functions and attributions were expanded. At the same time, an Executive Decree appointed a Minister for Women's Affairs to head the Institute. As an autonomous body, INAMU has access to the government decision-making process, and is further strengthened by additional administrative functions and a larger budget. The appointment of a Minister for Women's Affairs also facilitates mechanisms to allow proposals presented to Cabinet to be made binding on the public sector, thereby helping to mainstream the gender perspective in national policies.

137. Incorporating the gender perspective in public policies and contributing to the advancement of women are the main pillars of the institutional work of INAMU. These have several components that give rise to institutional policies and strategic objectives:

- Gender mainstreaming in policies. This pillar involves actions aimed at promoting gender analysis to bring to light differential impacts in policies and laws, and in the allocation of resources, planning, evaluation and accountability. It also includes the development of institutional capabilities to apply gender analysis in these fields.
- Empowerment of women: in order to make them agents of development and change, and strengthen their leadership and influence on the country's public and political life. Actions within this pillar aim to develop women's citizenship capacities to strengthen their ability to uphold their rights.

138. The work of INAMU consists of six Strategic Areas:

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[10] The mission, aims and attributions of INAMU can be consulted in detail in Annex 3.

- Promotion of public policies for equity: this area coordinates programmes for gender-equity mainstreaming in the State apparatus.
- Active citizenship, leadership and local management: this area has the mission of empowering women individually and collectively, to enable them in exercising their rights as citizens to possess, control and gain access to economic, social, cultural and political resources at the national, regional and local-municipal level, in conditions of equality and equity with men. This area includes the design and development of strategies to strengthen leadership and active citizenship among women, and to promote local development with equality and equity between the genders.
- Women's legal status and rights protection: this area fulfils functions of dissemination, vigilance, promotion, assistance, orientation and defence in relation to legislation affecting women.
- Construction of identities and life projects: this area aims to influence processes of socialization, identity construction and life projects in childhood and adolescence, in order to generate conditions of equality and equity in opportunities and rights for young girls and teenagers. It is responsible for the Secretariat of the Inter-Institutional Council for Teenage Mothers, and its programmes,[11] in addition to the Technical Secretariat of the Construyendo Oportunidades Programme, in conjunction with IMAS and the Technical Secretariat of the Inter-Institutional Commission for Responsible Paternity.
- Gender violence: this area aims to stimulate and promote the development of a State policy to prevent and eradicate gender violence, through inter-institutional and intersectoral coordination. Its field of action is structured in four components: domestic violence; sexual harassment; sexual exploitation and forced prostitution; and sexual violence outside the family. It is also responsible for coordinating the National System for Care and Prevention of Domestic Violence.
- Specialized information area: this consists of the Offices of Communication, Documentation, Research and Information Technology.

139. The organization of the institution's substantive activities in these strategic areas and pillars has enabled INAMU to fulfil its legal mandate to formulate and promote National Policy on Gender Equality and Equity. This policy is formulated and implemented by the various public institutions, with technical assistance and monitoring from the Institute. The strategy has focused on the development of bottom-up collaboration processes in the organizational structure, including the creation of new and more effective intra-organizational structures and partnerships.

140. The following five institutional policies have guided the work of INAMU during the period under study (INAMU, 2002), in fulfilling the commitments assumed by the State of Costa Rica in ratifying the Declaration and Platform for Action of the Fourth World Conference on Women:

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[11] Two of these are the *Amor Joven* and *Construyendo Oportunidades* programmes in the field of sexuality education for young children and adolescents, and comprehensive services for young girls, pregnant teenagers and teenage mothers.

- Policy 1: Promote the formulation and application of national, sectoral, institutional, regional and local-municipal policies to achieve gender equality and equity, together with mechanisms to guarantee their application and ensure participation by women in decision-making. To achieve this, specific State actions have been proposed on the promotion and application of gender equity, and on women's participation levels.
- Policy 2: Contribute to the individual and collective empowerment of women to uphold their rights as citizens, and to exercise ownership, control and access to economic, social, cultural and political resources in the national, regional and local-municipal domains, under conditions of equality and equity. In this case concrete actions are promoted in all domains, to guarantee promotion of personal development for leadership and active participation.
- Policy 3: Promote, protect and uphold women's human rights. This policy aims to implement concrete strategies to promote, and above all expand and uphold everything relating to women's human rights.
- Policy 4: Develop and disseminate gender knowledge, to bring about the changes that institutions and societies need in their pursuit of equality and equity between women and men. This policy aim can be fulfilled by setting communication goals.
- Policy 5: Institutional development and strengthening to enable INAMU to exploit and strengthen its human, financial and material resources, guaranteeing effective and efficient compliance with its policies and objectives to achieve equality and equity between the genders. Endowing INAMU with resources and infrastructure will allow for more efficient management, objectives that involve transforming the institution's culture and projecting it on to the democratic life of the country.

141. The task of achieving gender equality and equity requires participation from all Costa Rican society, including public administration. The National Mechanism is responsible for promoting, guiding and assisting public entities in making this objective viable. The coordination work carried out by INAMU during its four years of operation was aimed at developing and executing comprehensive and strategic public policies, as a way of solving the lack of coordination and short-termism that still plague State actions in many areas. In this regard, the effort focused on defining the following:

- National State policies;
- Public policies aimed at changing gender relations;
- National policies capable of responding to the needs and interests of women, in all their diversity;
- Policies to promote convergence between the various public powers, civil-society organizations, the women's movement and government mechanisms.

Strategies promoted at the national level

142. The Beijing Platform for Action identified as an area of concern the lack of sufficient mechanisms at all levels to promote the advancement of women. During the reporting period the Costa Rican State promoted several actions in response to

three recommendations: namely, strengthening the national mechanism for the advancement of women; promotion of public policies for gender equity; and implementation of institutional mechanisms to mainstream the gender perspective at all sectoral and institutional levels.

143. During the period, progress was made in formulating a National Policy for Gender Equality and Equity, in coordination with public institutions and social organizations, thereby addressing one of the key objectives of INAMU. Executive Decree 28284 was signed in February 2000, which began the process of preparing Sectoral Action Plans for Gender Equality and Equity, as a means of mainstreaming the gender perspective throughout the activity of public institutions. This intervention strategy is premised on two considerations:

- Promotion of actions at the national, regional and local levels to ensure decentralization of effort.
- Collaboration with institutions to incorporate the gender perspective into their daily work and institutional culture, while encouraging women to lobby for public policies on gender equality and equity, in exercise of their rights as citizens.

144. As part of this effort to fulfil the provisions of strategies for the national level, INAMU signed cooperation agreements with ministries and autonomous bodies, containing the main commitments to change made by the Rodríguez administration. In some cases these agreements were of sectoral scope, since they included the sectoral governing body and the group of institutions operating under its policies. The agreements signed with the Ministry of Agriculture and Livestock, the Ministry of Culture, Youth and Sports, and the Ministry of Health are of this type. Agreements of institutional scope include those reached with the Ministry of Public Education, the Ministry of Labour and Social Security, Banco Nacional de Costa Rica, the Costa Rican Social Security Fund, the Institute for Municipal Development and Assistance (IFAM), and the National Production Board.

145. The following four mechanisms are used to mainstream the gender perspective in the respective institutions:

- Establishment of high-level commissions to promote institutional change;
- Design and application of action plans for gender equity;
- Establishment of Gender-Equity Offices or Units to facilitate institutional change; and
- Inclusion of the activities contained in the action plans of such units in each institution's annual operating plans and budgets.

146. A plan of action was prepared in the education sector, containing 21 strategic measures to enhance the quality of services and internal labour relations. These were included in the programmatic and budgetary section of each of the units responsible for their execution. The results were as follows:

- Inclusion of gender considerations in 50 programmes in basic subjects at primary and secondary school;
- Application of the gender equity indicators proposed by ECLAC to measure and evaluate education quality.

- Facilities to help women living in poverty and teenage mothers to re-enter the formal education system, by exempting them from enrolment fees and presentation of academic tests.
- Awareness raising and training among teaching staff for effective application of the Sexual Harassment and Domestic Violence Acts, and effective incorporation of women into competitive technical specialties.
- Development of a violence prevention model in schools, involving a variety of social actors such as teachers, students, parents and mothers, in Limón, San Ramón, Cartago and San José.
- Formulation of a national policy for education on sexuality, together with a curricular proposal for the entire system.

147. The Labour and Social Security Sector approved its plan of action in December 2000, and a Gender Unit was established in the Ministry by Executive Decree. Significant progress has been achieved in the following four areas:

- With support from INAMU and the International Labour Organization (ILO), and funding from the United States Department of Labor, 84 women leaders received training to establish themselves as women's labour rights promoters in critical areas.
- In addition, a media campaign was initiated on women's labour rights, and the 800-Trabajo phone line was established to enable workers to report violations of their rights or seek advice from the Ministry of Labour.
- A study by the Ministry of Labour estimated the market value of women's domestic work as equivalent to 17 per cent of GDP, and men's as just 1.2 per cent. As an outcome of this study, INAMU joined an Inter-Institutional Commission to conduct a survey on the use of time, and design a satellite account for the system of national accounts measuring women's contribution to development.
- Guidelines were defined for a public policy on work and employment with a gender perspective, as a result of a consultative process on work and employment promoted by the Ministry of Labour and Social Security in conjunction with INAMU between 1998 and 2000.
- The 399 productive women's groups currently operating in Costa Rica were registered.

148. The health sector registered one of the most complex processes, with actions aimed at overhauling the care model in the Women's Hospital. The new model takes account of the differences between women and men in the social health construction process, while promoting service networks and active participation by women as the subjects of health policies. Support for the process is being provided by the Canadian Ministry of Health (technical assistance), and the Pan-American Health Organization (financing). Alongside this, and as part of the process of mainstreaming gender-equity policies, the Costa Rican Social Security Fund (CCSS) established a Programme of Comprehensive Services on Domestic Violence, attached to the Department of Preventive Medicine in the Health Services Medical Directorate. As a result of this work, domestic violence was included in both the regular healthcare programme and the basic services package. All health centres are

now required to assign and train human resources to address the problem of violence.

149. The agriculture and livestock sector was only in the implementation stage of its Action Plan for Gender Equity, supported and promoted by the Gender Units of the institutions in the sector. A commitment entered into with 60 women's groups in different regions of the country deserves special mention.

150. The Women's Forum, created through Act No. 7801, is a consultative mechanism comprising social organizations that work on behalf of gender equality and equity. The Forum is required to submit to the Cabinet a shortlist of three candidates to act as civil-society representative to the INAMU Board of Directors. Since its inception, the Forum has become a space for debate, monitoring and proposal of draft laws that benefit women and help strengthen INAMU. A social audit mechanism was also set up, since the Forum is where the Minister for Women's Affairs and Executive President of INAMU presents her annual report.

151. The Women's Gallery was founded on 21 December 1999, through Act No. 7954. Its mission is to promote new paradigms for women's participation in national development, and recognize their contributions in the various fields of human endeavour. In March 2002, the first eight women forming part of the Gallery were appointed.

Strategies promoted at the regional and local levels

152. For INAMU, work at these two levels was prioritized as spaces where public policies affecting the life of women are formulated. Several actions were carried out during the period:

- Coordination with the Institute of Municipal Development and Assistance (IFAM), to produce the cooperation agreement to develop a Plan of Action for Gender Equity. Although this is not a strategy at the regional/local level, it does seek to create institutional conditions for the promotion of local development with a gender perspective. This strategy aims to bring about change in the institutional culture and the services provided by it. The institution has to integrate the reality of municipal and local problems seen from a broader and more encompassing view of women's issues.

- Municipal Women's Offices (OFIMs): there are 45 of these, of which 41 are already consolidated as institutions, covering 50.6 per cent of the total of the country's 81 municipalities. INAMU provided technical assistance to all of them in order to strengthen their capacities for influence; it also assisted the National OFIM Network and other inter-institutional networks in tackling the problem of violence against women. Municipal Women's Offices are technical-professional units within the municipal structure.

- As part of its regional and local intervention strategy, INAMU developed local plans for gender equality and equity in two cantons, with a view to consolidating experience for subsequent replication elsewhere in the country. These processes aimed to prepare a local women's agenda with participation by women leaders; dissemination of this agenda among representatives of public institutions at the local, municipal and regional levels; negotiations between representatives of institutions from the women's agenda groups; and intersectoral meetings to sign agreements and commitments on the Local Plan of Action for Gender Equality and Equity. A total of 120 people participated in the two processes completed so far – 90 of whom were from women's groups and the remainder were public officials, both male and female.

- In addition to these local activities, two Regional Social Dialog and Negotiating Tables for Gender Equity were established in different parts of the province of Guanacaste.

Empowerment of women

153. INAMU undertook a variety of actions, together with permanent coordination and monitoring of information activities and the formulation of legislative proposals to strengthen women's political participation and access to decision-making. The following in particular are worth mentioning:

- The Draft Law on Political Parties, and the bill to reform the Charter of the Banco Popular in order to establish quotas for women's participation in its leadership and decision-making bodies.
- Participation by the Minister for Women's Affairs in several actions of unconstitutionality, for failure to respect the 40 per cent quota for women's participation in decision-making posts.
- A vigilant attitude by INAMU towards the bill and proposal for reform of the Electoral Code, presented before a legislative commission, and on which an opinion was issued during the consultation period.
- It also carried out a large number of activities to train and form women leaders.

154. The main activities undertaken by INAMU in the context of the National System for Care and Prevention of Domestic Violence (PLANOVI) were aimed at consolidating the system as one of the main components of the National Policy for Gender Equality and Equity. The following received special attention:

- The 911 phone line as a special telephone service for use in situations of domestic violence;
- Legal, psychological and social help for victims in the Office of Women's Affairs;
- Care services for women who have suffered physical attack, together with their children, in three shelter homes located in Cartago, Limón and Puntarenas;
- Formation of local networks against domestic violence, and training for male and female staff of public institutions;
- Coordination with the Judicial Commission on Domestic Violence, to open specialist courts in San Jose, Heredia, Alajuela and Cartago;
- Official implementation in November 2000 of care standards in this field, applicable to all Costa Rican Social Security Fund hospitals and clinics.

155. In the domain of sexual violence, INAMU acted in four areas: rape and other sex crimes, sexual harassment, sexual exploitation and forced prostitution, and violence in the media.

156. In addition, the Institute implemented three special programmes: Amor Joven [Young Love] with students and teachers from primary and secondary schools; Construyendo Oportunidades [Building Opportunities] for young girls and pregnant teenagers and teenage mothers; and Creciendo Juntas [Women Growing Together] for women living in poverty.

Financing of the National Mechanism

157. Act No. 7801 endowed INAMU with significant levels of funding sourced from 2 per cent of the Family Benefits and Social Development Fund. According to this allocation, the Institute should have received 773,897,011 colones (US$2,130,480.40 in 2001, and 804,400,000 colones (US$2,214,452.80) in 2002. Nonetheless INAMU actually only received about 50 per cent of the funds due to it, given the government policy of expenditure cuts. This constrained its activities and undermined its ability to discharge its oversight role on gender-equity policies.

158. Since 1998, INAMU has been running an active campaign to obtain donations from international cooperation agencies, as a way of strengthening its actions financially, especially in relation to gender mainstreaming and a number of specific programmes (e.g. gender violence). Between 1998 and 2001, it managed to capture the sum of 2,509,096.791 colones (US$6,907,355.00) as a result of this; funding remains inadequate, however.

159. Not receiving the funds legally assigned to it causes disparity with other State institutions that also have oversight functions. On the grounds that nonfulfilment per se is an infringement of public law, the INAMU Women's Forum lodged a complaint with the Constitutional Chamber, on which it is currently awaiting a ruling.

160. This situation shows that a male-centred paradigm still prevails in public administration, where in practice gender equity is not a real priority. Inequities – concealed in apparent equal treatment with other governing institutions – compounded by the limited investment that public institutions still make in gender mainstreaming processes, prevent INAMU from effectively fulfilling its governing functions. For example, large-scale in-service staff training is required, and this needs to be sustained over time. Nonetheless, the budget of the National Mechanism supplemented with funds allocated by other institutions in the framework of annual operating plans, do not allow for more than specific short-term training programmes.

Deconcentrated ministerial and sectoral mechanisms : gender-equity offices or units

161. In 1994, an agreement by the Cabinet Social Council led to the establishment of Ministerial and Sectoral Women's Offices with the task of ensuring public institutions complied with government gender-equity policies. Prior to approval of Act No. 7801, the National Centre for the Development of Women and Family (CMF) operated as the coordinating body for these units, in its capacity as national mechanism for gender equity. When CMF became INAMU, the new body was given responsibility for formulating and promoting national policy on gender equality and equity, in coordination with public institutions and civil-society organizations. It also received a mandate to promote the organization of ministerial, sectoral and municipal women's offices, and to coordinate and oversee their functioning.

162. Thus, INAMU built a Public Policy for Gender Equity Area into its organizational structure, with responsibility for promoting, assisting and overseeing

processes to prepare, execute, monitor and evaluate public policies in this field in the institutions of government and public administration.

163. The experience INAMU gained with these offices between 1996 and 2000, backed by the existence of a legal mandate, demonstrated the need to redirect the strategy for mainstreaming the gender perspective in institutional culture and in policies and programmes. Emphasis was now placed on institutionalizing Women's Units or Gender Equity Units in order to legitimize and enhance policy implementation processes, and gain recognition for their role in assisting and promoting actions on behalf of equity. As a result, it has managed to extend the scope of its activities and the funding allocation needed to fulfil its work plan.

164. At the present time the following Women's or Gender Equity Units are operating:

165. Agricultural sector:

- Ministry of Agriculture and Livestock
- National Production Board
- Institute for Agricultural Development
- Costa Rican Fishing Institute
- National Irrigation and Drainage Service
- Integrated Agricultural Marketing Programme
- Rural Development Programme
- Ministry of Environment and Natural Resources
- Credit and microenterprise sector:
- Cooperative Development Institute
- Banco Nacional de Costa Rica

166. Culture sector:

- Ministry of Culture, Youth and Sports

167. Education sector:

- Ministry of Public Education

168. Electric power sector:

- Costa Rican Electricity Institute

169. Health sector:

- Ministry of Health
- Costa Rican Social Security Fund
- National Water Supply and Sanitation Institute

170. Labour sector:

- Ministry of Labour and Social Security
- National Apprenticeship Institute

171. Transport sector:

- Ministry of Transport and Public Works

172. Housing sector:

- Ministry of Housing and Human Settlements

173. Local government sector:

- Institute of Municipal Development and Assistance

174. INAMU prepared a set of documents for Women's or Gender-Equity Units, in order to establish them as institutions and mainstream the gender perspective in institutional culture and daily life. These documents are:

- Instructions for the organization and functioning of the Women's or Gender Equity Unit.
- Criteria for evaluating institutional progress on gender mainstreaming:
  - Indicators to evaluate the fulfilment of objectives.
  - Criteria to evaluate gender mainstreaming.[12]

Local deconcentrated mechanisms : Municipal Women's Offices

175. Municipal Women's Offices (OFIMs) are a mechanism for moving towards gender equity, promoted by INAMU as an organizational link at the local level. The strategy is for these offices to provide information, reference and protection on women's human rights, while also monitoring the application of public policies locally and encouraging coordinated initiatives between the municipality and women's organizations.

176. Article 4 paragraph (c) of the Act Creating INAMU (No. 7801) stresses that one of the institution's faculties is to "promote the creation of ministerial, sectoral and municipal women's offices, and to guarantee and coordinate their operation." As part of this aim, the draft law entitled "Reform of articles 1, 13, 17, 125, 126 and 142, addition of articles 17 and 94, and change of sequence of articles 182, 183 and 184 of the Municipal Code and Creation of Municipal Women's Offices", makes it mandatory to establish OFIMs and mainstream the gender perspective in all municipios. Article 183 makes the following proposal: "Specialized units will be created within the municipal structure, in the promotion of women's rights and citizenship, to be known as Municipal Women's Offices (OFIMs)". It also adds a paragraph (o) to article 17, which reads: "Supervise and ensure that the municipality complies with a gender-equality and equity policy in accordance with existing legislation adopted by the Costa Rican State; by promoting policies, plans and actions in favour of gender equity and equality."

177. The first six OFIMs were founded between 1996 and mid-1998, after which the process gathered pace between June 1998 and March 1999 when a further 19 offices were opened. The problem during this period stemmed from a lack of the wherewithal needed for these offices to function adequately in fulfilling their objectives, which hindered the institutionalization process. Starting in April 1999, the INAMU strategy focused on negotiating with municipal governments for human

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[12] This document can be consulted in Annex 4.

resource, infrastructure and material endowments to guarantee the technical, legal and social sustainability of these mechanisms. Another component of the strategy consisted of promoting training and assistance actions to strengthen leadership capabilities among women councillors and officials, and in the community at large. By 2002, up to 26 OFIMs had a professional official in charge, five had a secretary receptionist, and four were being run on a voluntary basis.

178. In 1999, the National OFIM Network was established with INAMU support, in order to expand competencies and promote gender- equality and equity in local spaces, while also encouraging exchange of knowledge and expertise between offices. Network actions have targeted training on labour rights and the Responsible Paternity Act. Since 2002, a pilot project has been run with the Inter-American Institute for Cooperation on Agriculture (IICA) to donate a computer to eight rural OFIMs in order to equip them with state-of-the-art technology. These were interconnected to Internet and the Infoagro database.

179. Article 49 of the Municipal Code gives legal status to Municipal Commissions on the Condition of Women, and establishes that these will consist of councillors and trustees together with local leaders, both men and women. Their aim is ensure that women's rights and gender equality and equity are upheld in all municipal projects. These commissions are a very important resource for OFIMs in executing their plans.

180. These Offices, together with the Commissions on the Condition of Women, represent a major step in the democratization of municipalities as local governments, and in the creation of conditions for real exercise of women's citizenship. Nonetheless, many problems and resistances remain to be overcome – such as limited financing, political interference in some cases, insufficient staffing to address multiple demands, and the scant infrastructure and limited technical capacity that some OFIMs labour under. Overcoming these obstacles means strengthening the leadership of women as informed actors who are combative but respectful of differences, but also as facilitators in the process of gender mainstreaming in the policies and daily work of the municipality. As part of this effort to make progress in strengthening deconcentrated mechanisms at the local level, the INAMU Active Citizenship, Leadership and Local Management Area developed a process for assisting the Commissions, most of which were focused on their role in promoting the opening and development of OFIMs.

Specialized Units

181. The legislature created the Special Permanent Commission for Women on 11 November 1999, through an amendment to article 84 of the Legislative Assembly Regulation on Special Permanent Commissions. This Commission has the function of scrutinizing and certifying legislative bills on situations affecting women or relating to their social condition, and has faculties to table legal amendments and exercise political control over the actions of public administration.

182. The judiciary established several specialized mechanisms during the reporting period, mainly associated with situations arising from common-law marriages, family maintenance payments and domestic and sexual violence. A specialized unit on domestic violence and crimes against sexual freedom began to operate in the General Prosecutor's Office. In order to institutionalize these mechanisms and raise them to the rank of law, several draft laws were submitted to the Legislative

Assembly, one of which has since been shelved but two others have been approved. It has not been possible to set up the Special Prosecutor's Office on Domestic Violence and Crimes against Sexual Freedom, since the bill has been shelved (Procedure 13050). Nonetheless, approval was obtained for laws establishing the Domestic Violence Court in the Second Judicial Circuit of San José, together with Domestic Violence Courts in the Judicial Circuit of Heredia, the First Judicial Circuit of Alajuela and the Judicial Circuit of Cartago. The fact that these courts are all located in the greater metropolitan area makes access difficult for women living in rural areas.

183. During the period, the Women's Commissioner, as a specialized branch of the Office of the Public Commissioner, investigated a large number of complaints concerning violations of citizens rights by public institutions. The annual reports of the Office of the Public Commissioner for 1998, 1999, 2000 and 2001, highlighted the following critical areas:

- Family maintenance payments: in view of the slowness of procedures; difficulties in notifying the respondent party; lack of information on the status of processes; the small number of Judicial Offices covered by the agreement with Banco de Costa Rica; delays in issuing cheques, and problems of coordination with the Central Bank; lack of controls to prevent evasion of the earnings report or underreporting of wages by private enterprise; bureaucracy in sequestration processes and the withholding of family maintenance; inadequate mechanisms for defining the amount of maintenance payments; and limited and inadequate resources at the Ministry for Public Security, to enforce competencies (e.g. execution of court orders). Most complaints in this domain were filed against the Judiciary and the Ministry of Public Security.

- Sexual harassment against students under the age of majority and policewomen. Complaints were lodged against actions taken by the Ministry of Public Education and the Ministry of Public Security, mainly concerning their failure to intervene as required by the Act on Sexual Harassment in the Workplace and in Education (No. 7476).

- In the domain of domestic violence, complaints were filed against actions and omissions by the Ministry of Public Security and the Judiciary.

- Reports of labour rights violations concern discrimination against domestic service workers by requiring them to work 12 hours per day, and disregard of rest periods and public holidays, which are different from those applicable to other male and female workers. Complaints have also been lodged against the Ministry of Labour and Social Security for failing to fulfil their duties when firms and public institutions violate the special protection regime for pregnant women. Another sector that had its rights affected by the Ministry of Public Security as employer were policewomen, who continue to be assigned to tasks that reflect traditional gender roles, while infrastructure remains unsuited to their condition as women.

- Health: mainly because of inadequate conditions of infrastructure and care in gynaecology, obstetrics and maternity services (e.g. overcrowding, lack of clothing, physical and verbal maltreatment), lack of equipment for detection of gynaecological problems, constraints on exercising sterilization and other reproductive rights and delays in the evaluation and diagnosis of cytological tests. The corresponding complaints were filed against the Costa Rican Social Security Fund.

- Female prison inmates: use of inadequate confiscation mechanisms; lack of information and assistance from PANI in respect of the social situation of inmates' children; the existence of just one women's prison, which affects contact with the family and contributes to the deterioration of conditions of prison life; and municipal obstacles preventing expansion and improvement of physical facilities.

184. One of the most severe constraints faced by the Commissioner's Office in responding to these complaints stems from its status as the State institution responsible for promoting and protecting citizens' human rights against violations by State institutions, but whose resolutions are not binding. In an effort to strengthen its mandate, this Office dedicated a major part of its work to promotion, dissemination and training in the field of women's human rights, coordination with other institutions in drafting legislation, participation in inter-institutional commissions and monitoring of compliance with laws that protect women's rights.

185. During the period covered by this report, substantial progress was made in strengthening the specialized units in women's studies and gender equity at the country's four public universities. Between 1998 and 2001, the Masters programme in Women's Studies (MAEM) at the University of Costa Rica (UCR) and Universidad Nacional (UNA) prepared a Report on the Human Rights Status of Young Girls and Adolescents, and participated in preparation of the Report on the Human Rights Status of Childhood and Adolescence. During this period, the Technological Institute of Costa Rica (ITCR) and Universidad Nacional (UNA), in coordination with the Technical Secretariat of the Construyendo Oportunidades programme, designed and implemented a technical training programme in competitive non-traditional careers for pregnant teenagers and teenage mothers. In 1999, the University of Costa Rica turned its interdisciplinary gender studies programme into the Centre for Research in Women's Studies (CIEM-UCR), strengthening its organization and expanding the scope of its aims and functions. In 2000, the State Distance Learning Institute joined the Institutional Commission for Gender Equity. Of the country's four public universities, this was the only one that did not yet have a specialized mechanism in place. In 2001, IMAS contracted CIEM-UCR to carry out impact evaluation, monitoring and systemization of the Strengthening for life Component of the Construyendo Oportunidades programme.

Generation and diffusion of data and information for gender-specific planning and evaluation

186. On the initiative of the Office of the Public Commissioner, and following a number of complaints by women concerning the use of the "household headship" category in the 2000 population census form, an Inter-Institutional Commission was established with representatives from the Women's Commissioner, INAMU, the National Institute of Statistics and Censuses (INEC), Universidad Nacional (Institute of Population Studies - IDESPO) and the University of Costa Rica (Centre for Research in Women's Studies (CIEM-UCR). This Commission is working to develop gender-sensitive indicators based on the data generated by the 2000 Population Census. The results of this initiative will be published, along with a

proposal to overcome the information failings alluded to in the Introduction, and to implement operational definitions that are sensitive to gender differences.

Article 4:
Temporary special measures aimed at accelerating de facto equality between men and women

Article 4:

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

187. As indicated in paragraph 211 of the previous report, the first affirmative action measures implemented in Costa Rica are contained in the Act Promoting the Social Equality of Women (No. 7142). These relate to mechanisms to guarantee women's political participation[13] and to protect the rights of women living in common-law marriages. Since then, areas have been identified where serious inequities persist, which need actions to guarantee equal opportunities for women. During the period under study, the Costa Rican State implemented several policies and actions aimed at complying with provisions contained in the Convention and in the Beijing Platform for Action. These include measures to guarantee equal access for women and full participation in power structures and decision-making, and access to productive resources, adoption of policies, administrative practices and services to ensure poor women equal rights and access to economic resources, education, health and employment, and promotion of special measures to protect maternity among teenage and adult mothers.

Affirmative actions to accelerate equality between women and men in political processes

188. The establishment of a minimum quota system for women's political participation did not become possible until 1996 when reforms were made to the Electoral Code, given the imprecise and general wording of the relevant articles. The use of terms such as "effective mechanisms" and "significant percentages" made compliance with the law difficult.

189. The reform to the Electoral Code implemented through Act No. 7653 made it possible to establish the minimum quotas system and oblige political parties to apply it. The reform laid the foundations for more equitable access for women to representative and decision-making positions. It also represented legal progress towards equality and equity between women and men, and raised the level of debate on the issue.

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[13] The Act gives legal recognition to the quotas and other mechanisms contained in internal party processes, leadership mechanisms and electoral ballot papers.

190. Nonetheless, the reform made to the Electoral Code suffers from a number of shortcomings. Firstly, by not explicitly stating that the 40 per cent quota must be applied to electable posts, the tendency has been to apply the rule in positions with remote or zero chances of being elected. Secondly, the exact percentage of the political debt to be used for women's political training was not specified, nor were sanctions established for political parties that do not comply with the provisions of the Code.

191. These failings meant that in the 1998 elections the quotas established in the Electoral Code were not applied to "electable posts" on party ballot papers. Although women's representation in the Legislative Assembly and municipalities did increase, the minimum quota was not achieved in relation to previous elections.

192. During the period, INAMU lodged three consultations with the Supreme Electoral Tribunal (TSE), requesting a review of its agreements. The results of this process were as follows:

- Resolution 1863 of 23 September 1999, on application of the women's participation quota. The Tribunal ruled unanimously that the quota should be applied in electable posts and that political parties must build mechanisms into their statutes that effectively guarantee women's participation in the form and percentages provided for. It also established sanctions for parties failing to comply with these provisions.
- Resolution 2837 of 12 December 1999 on the definition of electable posts (posts with real possibilities of being elected), and the method for calculating such posts. The Tribunal ruled that these would be calculated on a "historical average" basis; in other words "the average of results obtained in electoral contests in which the political grouping has participated, would give an approximation to positions with genuine possibilities of being elected..."
- Resolution 804-E-2000 of 2 May 2000, clarifying general aspects of application of the quota to fill councillor and trustee positions.

193. These rulings triggered a negotiation process that resulted in a variety of procedures being defined for applying the quota inside political parties, together with amendments to their statutes. These processes revealed the extent of resistance to applying the rules, resulting in complex procedures for applying the quota which subsequently affected women's real access to electable posts. The results of the February 2002 elections showed that the historical method is not the most effective way of guaranteeing women's access to electable posts, since it does not control for changes in the behaviour of the electorate, as happened on this occasion. Only the Citizens' Action Party alternated men and women in their ballot lists. In all other cases, women were mostly located in the lower-ranking electable positions, for which reason many failed to get elected.

194. An analysis of results obtained during past elections shows an increase in women's access to the Legislative Assembly (35.08 per cent) and municipal governments (46.7 per cent of incumbent councillors and 53.3 per cent of alternates), but this was not proportional to the percentage of women candidates placed in supposedly electable positions on ballot lists. In the case of seats in Congress, the 40 per cent quota was barely complied with. The personal and

collective effort of these women, and the financial cost involved, were not proportional to the results obtained, although significant progress was achieved.

195. The efforts of the Supreme Electoral Tribunal to oversee and verify compliance with women's minimum political participation during the 2002 electoral processes should be highlighted, especially as regards compliance with the quota in popularly elected posts.

196. Experience gained during the last two electoral processes showed the need for legal reforms to help overcome the obstacles mentioned. Two draft laws currently in the pipeline are extremely important for progress in fulfilling the provisions of the Convention on this subject:

- The Political Parties Bill (Procedure 13862), which aims to facilitate application of the 40 per cent minimum quota for women in the party structure, in internal party political processes and also in elected posts. It also makes it mandatory for political parties to provide training and political formation to women who are active members of these organizations, while clarifying procedures contained in the 1996 reforms to the Electoral Code, which are currently subject to confused interpretations.
- The Electoral Code Reform Bill which establishes a method to guarantee 40 per cent female participation in the party structure and in candidate lists for electable posts, and a commitment to maintain a 40 per cent quota for women in appointments to the following eight types of post: ministries, vice-ministries, major Government offices, boards of State bodies, executive presidencies, boards of directors, and the administrative and deputy administrative bodies of the State's decentralized institutions.

Special measures to accelerate equality between men and women in other fields

197. The Act Promoting the Social Equality of Women defined special rules to protect the rights of women living in common-law marriages, by registering any real-estate granted through social programmes in the woman's name. Interpretation of article 7 of this law was declared partially unconstitutional, however, so in cases of common-law marriage, any property will now be registered in the name of both partners.

198. In 1996, the Act on Equal Opportunities for Disabled Persons (No. 7600) was passed. Although this legislation does not contain special measures for women, it does establish judicial and material grounds for taking the measures needed to equalize opportunities and ensure non-discrimination against disabled persons, including women. Disabled people face conditions that require differential attention, together with special equipment and infrastructure, to guarantee access to timely and quality health services, including care during pregnancy and childbirth; training for work and employment under decent conditions; sporting and recreational programmes; formal education; and services for care and prevention of domestic and sexual violence.

199. On 24 April 1998, the Act on Services for Women Living in Poverty (No. 7769) institutionalized a set of special actions to ensure that women living in poverty have access to training programmes to enable them to exercise their rights as human beings, including technical training from the National Apprenticeship Institute and other services. One of these actions is the Creciendo Juntas

programme, which targets women living in poverty. The Joint Institute for Social Assistance (IMAS) selected and prepared a training, supervision and monitoring team – in its capacity as lead agency on poverty policies in Costa Rica and responsible for executing this programme. INAMU has legal responsibility for executing the component on Human Training (or Personal and Collective Strengthening for Women as it is currently known), using IMAS resources. Given the impossibility of obtaining the funds needed to execute this provision, INAMU has overseen and guaranteed the technical quality of the component, which is being developed with human and financial resources provided from three institutions (IMAS, INAMU and INA).

200. To this end it participated and continues to participate actively in the process to select and prepare the training, supervision and monitoring team. It provides technical and methodological direction for the "Making the most of our knowledge and skills" module. It also participates in the programme's technical secretariat and in the National Inter-Institutional Commission of the Programme, from which it lobbies to incorporate women's interests and needs in the different decisions that are taken.

201. In 1998 the Amor Joven and Construyendo Oportunidades programmes were created, the legal bases for which are the Code on Children and Adolescents (No. 7739) and the General Act on Protection for Teenage Mothers (No. 7735). In the Construyendo Oportunidades programme, special measures were established to promote equal access and opportunities for young girls, pregnant teenagers and teenage mothers, particularly those living in poverty. The programme contains three substantive components that aim to re-engage this population group with the formal educational system and prevent dropout, in addition to personal and collective strengthening through information and empowerment processes for exercising their rights as human beings; and technical training in non-traditional and competitive areas.

202. The Technical Secretariat responsible for monitoring and evaluating the programme consists of IMAS and INAMU. The first component was executed with civil-society organizations, the second with the Ministry of Public Education, and the third with INA and state universities. These were the main results:

- Annual participation by an average of 4,000 young girls and pregnant teenagers and teenage mothers. Workshops lasting four hours a week were held over a six-month period attended by 20 girls in each case. These were funded by social organizations. During the training period, IMAS paid each girl a monthly stipend of US$ 43.00 (15,000 colones) in addition to other forms of economic support (e.g. study scholarships).
- The evaluation of the results and impact of the training offered by social organizations through these workshops concluded that although the empowerment processes initiated are still incipient, the girls that participated gained greater knowledge of their rights and how to exercise them; in addition to a stronger sense of self-awareness and self-esteem as persons worthy of respect; better understanding of themselves (their potentialities, capabilities, weaknesses); understanding that the resources and services accessed from the programme are an entitlement and not a donation; and they are better equipped to face the prejudice and stigmatization that teenage maternity and poverty tend to provoke. In

addition, when the training processes for empowerment concluded, most of the girls had a different opinion of the group as a mechanism for exchange, support and personal and collective strengthening. At the outset, over 80 per cent of these girls had not participated or were not participating in the groups, which meant that they were severely isolated. Approximately half of them restarted their studies or technical training in order to prepare themselves better for participation in the labour market under decent and competitive conditions (Centre for Research in Women's Studies, 2002).

- The programme coordinated with the CCSS Comprehensive Adolescent Care Programme on tasks related to informing and persuading pregnant teenagers and teenage mothers to attend health services, and care for their child in its first years of life. To this end, teenage mothers participating in the programme were given assistance in obtaining social security cards, regardless of whether they were insured directly themselves or through family members.
- It encouraged teenage mothers to re-enter the formal education process to complete their primary and secondary school studies, mainly through open learning alternatives. These actions were carried out in coordination with MEP. Educational alternatives were made more flexible in order to guarantee these girls access through more informal channels.
- Coordination with the National Scholarships Fund (FONABE) for the award of study scholarships.
- Promotion of their participation in INA technical training programmes.
- Start of a process to open up new technical training alternatives for teenage mothers and young people through public universities and social organizations. The initial experiences of this took place with the Technological Institute of Costa Rica (ITCR) in 2000, in the areas of computing, English, cabinet-making, and industrial food-processing.
- Design of a technical training plan in non-traditional and competitive areas to be executed with ITCR and Universidad Nacional (UNA). During the first year 23 educational options or courses of six months' duration would be offered, covering approximately 1,500 girls. Funding was obtained through taxes on cigarettes and liquor (Act No. 7972) allocated to the Childhood and Adolescence Fund.
- A third of the girls participating in the Training Component also participated in one of the technical training programmes that were offered, with excellent results being achieved. Nonetheless, over half faced problems entering the labour market in jobs relevant to their training, since this component's target population has an average of 5.6 years' schooling. The vast majority of these jobs require the third year of secondary school at the very least. This is a problem that the programme is trying to address through innovative and flexible proposals making it possible to complete formal education processes and undergo technical training simultaneously. One of the greatest challenges to be resolved by the programme is how to overcome structural obstacles such as a lack of support and alternatives, the poverty in which the girls live, and prejudices that still prevail. This is something that needs to be addressed in economic and social policies.

203. The model on which the Construyendo Oportunidades programme is based has proven an innovative alternative for promoting equal opportunities for a sector of the Costa Rican population subject to major discrimination and stigmatization as teenage women, poor and mothers. The patriarchal adult-centred society imposes heavy social sanctions on girls who transgress social mores, especially those concerning the exercise of sexuality. Ideas still persist very strongly in the social imagination in which age (adolescence) combined with social condition (poverty) constitute a situation of disadvantage and inequality which is seen as incomplete – as a problem. When maternity is added to the mixture, discrimination and exclusion intensify. The practices of a large segment of workers in institutions that provide education, and technical and social training, are permeated by this attitude, thereby forming an ideology that is very hard to break down.

Special measures aimed at protecting maternity

204. The Act on Protection for Teenage Mothers established a series of protection measures and comprehensive support for maternity, in order to guarantee the human rights of this population group. Given its gender status, this group is generally vulnerable in various domains of life. Institutionalization of the Construyendo Oportunidades programme put a set of protection and support measures in place.

205. One of the special measures established to guarantee fair access to health services for teenage mothers and their children, is the social security card. Although the National Council for the Protection of Teenage Mothers promoted a variety of dissemination actions in conjunction with CCSS to make this right effective, there are groups of pregnant girls and mothers who still do not possess this card. A study carried out by the Centre for Research on Women's Studies of the University of Costa Rica (2002) identified the following main factors: lack of information on this right, and on how to obtain the card; the costs of the procedure for girls living in outlying areas; the cumbersome nature of the procedure (e.g. paperwork, interviews); and the deficient and prejudiced treatment they receive from administrative staff that provide information and process their application.

206. Executive Decree 28118-S made it obligatory for CCSS to provide care services for all women during pregnancy, childbirth and postpartum, regardless of their socioeconomic or migratory status. This regulation took a major step forward by creating equal access to health services between men and women. The reality, however, is that a large percentage of Costa Rican women have no insurance against illness and maternity, either directly or as a family – either because they are not wage-earners, or their partner does not have social security, or they cannot afford to insure themselves independently. There are also many Nicaraguan women of irregular migratory status living in Costa Rica, who need prenatal services and care during delivery and the postpartum period. Failure to obtain this puts their own health or that of their child at serious risk. Despite progress made in this field, obstacles remain of a mainly cultural nature, which need to be eradicated to make this right effective:

- The treatment that women receive from health workers during the process does not always respect their dignity as persons with rights. Prejudice against single teenage mothers and Nicaraguan mothers is widespread.
- A male-centred paradigm persists in women's healthcare, in which pregnant women are viewed as producers of children. Actions are needed throughout

the health system to raise awareness among staff to value mothers as people with rights and their own dignity, and with feelings, interests, affective needs and dreams that must be respected.

Article 5:
Measures to change sexual roles and stereotypes

Article 5: States Parties shall take all appropriate measures:

a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women;

b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Sexual roles and stereotypes in education

207. In order to construct an indicator of the share of reproductive work undertaken by men and women, an attempt was made to measure the percentages of young women and men who work exclusively in domestic chores in their homes. The study by Ramos (2001) revealed sharp gender differentiation. The figures for men at each income level were not significant in individual years, but when considered as a whole they suggest that between 1 per cent and 2 per cent of young men between 12 and 17 years of age perform reproductive tasks to the exclusion of other activities. The largest gender gaps are seen in the lowest-income homes. Assuming a maximum value for men, it can be said that while 22 per cent of women in the first income quintile work exclusively on domestic tasks in their homes, only 2 per cent of men do so. Although the differences are less striking in the last quintile, they still confirm that girls are given reproductive tasks even during their teenage years regardless of socioeconomic level.

208. Exclusive occupation with domestic chores can harm girls' personal development and self-image, not only because it means that they are outside the education system, but also because the tasks they carry out are not valued socially and are seen as of "minor importance" in the country's overall socioeconomic relations. Nonetheless, domestic work can be considered as an activity that allows the family to save monetary resources, and it facilitates labour- market participation by other adult and younger members.

209. Conceived in this way, and also counting the study-work combination, it was found that young women worked slightly more than young men, with 31 per cent of girls in the lowest income group performing some kind of work, compared to 20 per cent of boys. In total, the percentages of young people that worked are practically identical: 27 per cent of women and 27.6 per cent of men. As the level of family income rises, young women work less than young men. In addition, low-income women are more likely to work than those from higher-income families. Consequently, cultural and economic attitudes towards domestic work in the home need to change, as an initial step towards evaluating the economic contributions

made by young men and women who for various reasons engage exclusively in such tasks.

210. Sociocultural gender patterns reproduce prejudices and sexist practices both inside and outside the classroom; gender inequalities are not eliminated merely by ensuring girls equal access schooling. Nor is it sufficient to guarantee lower levels of dropout and grade repetition. Although various studies have shown that women have better school performance, a persistent "hidden curriculum" combines with pedagogy to perpetuate gender stereotypes, sexual roles and social relations between men and women. This serves to legitimize a social system that restricts the development of girls' potentials and capabilities compared to those of boys, fostering subordination and discrimination against women (State of the Nation, 2001).

211. In coordination with the Ministry of Public Education, INAMU promoted a number of initiatives to review study plans and produce educational materials for teachers and students, in order facilitate the development of school textbooks that are sensitive to gender differences and create non-sexist pedagogic methodologies. Nonetheless, the school curriculum still ignores the specific needs and interests of girls and boys in terms of physical infrastructure and didactic materials. This hidden curriculum is present in the classroom, school or college, and in the family; it promotes and justifies distinctions in the way people are treated depending on their sex. Such practices have serious implications for personal development, while also contravening constitutional and international laws guaranteeing women and men equal and equitable access to education and its benefits.

212. The production of textbooks in the Hacia el Siglo XXI series represented a landmark in efforts made by the Costa Rican State over several decades to endow the school system with textbooks using language and illustrations that do not reinforce sexual roles and gender stereotypes. One of the obstacles to making these texts available to all public schools was a ruling issued by the Fourth Chamber on an action filed by a group of publishing companies who saw their interests and free competition being undermined if these texts gained official status. INAMU deployed awareness-building and advisory activities with these firms to persuade them to include non-sexist language and eliminate gender stereotypes from their content.

213. One of the problems identified is that, despite constant change and adaptation of educational materials, many of the books available on the market continue to devalue women on a systematic basis through their use of sexist language in texts and illustrations. In addition, masculine generic terms and plurals predominate, and stereotypes are reproduced that place women primarily in the domestic domain and men in public spaces.

214. Since 1994, efforts have been made to incorporate the gender perspective in pedagogic and administrative processes. One of the most successful experiences was the project entitled "Construcción de una Cultura de Equidad de Género en las Escuelas Lideres" [Developing a gender-equity culture in leading schools], coordinated by the Office of the First Lady of the Republic between 1999 and 2002. A key activity in this initiative was a diagnostic study in the classroom to identify and analyse sexist practices. This was valued as good practice, since it helped generate changes including more equitable distribution of spaces in the classroom and in recreation areas, identification of girls and boys through differential but non-

stereotyped characteristics, and alternate ordering of classroom rows when making up study groups.

215. Another step forward was the preparation of a strategic MEP action plan, and inclusion of the 21 actions in the operational action programmes and budgets of the units responsible for their implementation. Nonetheless, changing study plans and eradicating sexist pedagogies require continuous and systematic awareness building and training among teaching staff. The MEP Gender Unit, working in conjunction with INAMU, identified a major obstacle in the limited resources available to pay per diems for staff participating in such activities, together with difficulties in obtaining paid leave given the requirement to complete a 200-day school year.

216. Clear segregation still persists in terms of careers and areas of training, manifested in the high degree of exclusion of women from educational areas of scientific and technological content. This problem showed through in career selection at technical colleges, INA, the para-university system and universities themselves. For example, out-of-school technical specialization (INA) displays 21 per cent segregation in a situation where women account for 45 per cent of all students. Segregation in State universities was moderate (16.5 per cent), considering that women represent slightly over 50 per cent of the student population. Although several studies detected changes in segregation with significant numbers of women entering careers considered to be "masculine", they continue to be poorly represented in science and technology (State of the Nation, 2001).

217. These levels of segregation resulted in women being poorly represented in professional groups in the areas of exact natural sciences, agronomy, engineering specialties and technologies. The National Science and Technology Council reported a slight 2.2 per cent rise in women's participation in the "scientific" professions between 1988 and 1999. Nonetheless, this was considered unsatisfactory given that women represent 47 per cent of professional and technical workers in the labour force.

218. The importance of family background in educational and professional orientation should also be mentioned, along with the pressure that is often exerted on an individual's choice of profession or trade, in reflection of prevailing gender determinations. All of this tends to reinforce and reproduce educational structures that discriminate against women.

219. The above shows that integrating traditionally segregated educational areas, and the trend towards equal opportunities for women – particularly in the scientific and technological education field – continue to pose the most important equity challenges in this domain.

220. A series of important advances led to the National Technical Education System (SINETEC) being created in 1998, and, as part of this body, the Commission on Women in Technical Education, in which INAMU participates. One of the aims of SINETEC is to promote a training platform to facilitate the incorporation of women into innovative high-performance careers.

221. Acting through their Specialized Women's Studies and Gender Equity Units, the public universities promoted a variety of initiatives to bring about changes in university curricula and the range of training courses offered. In 2001 the University of Costa Rica sponsored publication of the first report on the State of Gender-Inequality and Equity in the University of Costa Rica. This initiative represented the

first experience in accountability by a university rector, as the top-level authority of a higher education institution; and it formed the basis for a policy to promote gender equity in all university spaces. In addition to the diagnosis, it put forward a set of indicators to facilitate future evaluation activities aimed at measuring progress in fulfilling commitments.

222. Costa Rica took an important step in compliance with commitments arising from the Beijing Platform for Action, by including education for sexuality in the school curriculum, conceived as healthy, integrated sexuality centred on persons and not restricted to reproduction. As this change signified a break with the sexuality paradigm that had prevailed in Costa Rican society and its education system, implementing it has not been free from resistance, polemic and setbacks.

223. The first sex education guidelines were designed in 1984 to be applied in the third cycle of the school system (7th, 8th and 9th grades) by teaching staff specializing in personal guidance. The guidelines could not be circulated in their original version, prepared by the Education in Population project, because of strong criticism by the Catholic Church at the Episcopal Conference. In 1993, the contents of Education for Sexuality were gradually incorporated into the study programmes of other subjects, until they were present in all of the system's basic cycles, including preschool. Nonetheless despite the formal progress achieved, practical progress was slow because of multiple sources of resistance by MEP authorities and staff, compounded by interference from groups related to the Catholic Church, mainly the Episcopal Conference.

224. In 1998, the Rodriguez administration introduced the Amor Joven programme, which reaffirmed the right of children and teenagers to receive education for healthy and responsible exercise of sexuality. In conjunction with other institutions and civil-society organizations, MEP developed a definition that strengthened and broadened opportunities for the educational system to work in this field with a cross-cutting view of education for sexuality. The approach was not confined to one subject, but formed part of the everyday life of young children and teenagers in formal and informal education. Thus, the programme aimed to help children and teenagers achieve personal and social fulfilment, with participation from their families and society at large. The underlying principles were as follows:

- To view sexuality from its different manifestations: physiological, psychological, social and legal; in other words to see the phenomenon as an integral part of human development.
- To distinguish between adult needs in terms of sexuality and those of children and adolescents.
- To seek participation and consensus from different sectors and stakeholders: children and teenagers, fathers and mothers, public officials of both sexes and society at large.
- To recognize that children and teenagers have rights and responsibilities, and the capacity to express opinions and participate actively in all individual and social aspects. To recognize that adolescents of both sexes are entitled to exercise their sexuality in autonomous and responsible fashion.

- To reduce the growing number of pregnancies in children and adolescents, which restricts their own development and that of their children.
- To recognize that there are other risk factors for children and adolescents such as gender status; sexual and domestic violence; lack of sex information and education; absence of specialized services; failure to recognize sexuality as an integral part of children's and teenagers' development; and major social, cultural and economic inequalities that result in certain sectors being excluded from social and economic development (Amor Joven and Construyendo Oportunidades programmes, 1999).

225. A study by Faerron (2002) on this subject found that the programmes implemented on education for sexuality in Costa Rica have been ineffective. Programme contents have viewed sexuality with a genital focus, which has been very influential in the education system and is widely internalized among children and teenagers.

226. This Programme attempted to approach to education for sexuality differently, based on an interdisciplinary view of the phenomenon encompassing human rights, gender, and the generational perspective promoting and demanding fulfilment of rights, equitable relations between women and men, intra- and inter-generational relations involving dialogue and reciprocity, and harmonious coexistence that is respectful of values. It aimed to offer a new alternative to educational strategies implemented under a negative, incomplete conception, centred on a content that is more informative about sexuality. From this point of view, Amor Joven was a pioneering programme in that it attempted to lay foundations for a public policy on education for sexuality that would ensure its continuity in the medium and long-term.

227. It represented an effort to start from the needs and expressions of children and teenagers, rather than as a response to, or result of worries arising in the adult world. Efforts were not centred on people's sexual and reproductive health, but on upholding young women's entitlement to comprehensive education for sexuality. The programme aimed to fulfil commitments assumed by the country when it ratified the Convention on the Rights of the Child, and also the Programme of Action of the International Conference on Population and Development and the Platform for Action of the Fourth World Conference on Women. The latter states that:

> "Women's human rights include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence. Equal relationships between women and men in matters of sexual relations and reproduction, including full respect for the integrity of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences."

228. In the programme's general guidelines, the technical team identified a priority need to train teaching staff and influence study programmes. It combined this target with other lines of action encompassing the unschooled population. There were five components: training, dissemination, participation, analysis of legal regulations and research. Only training, dissemination and participation could be put into practice, however.

229. The programme promoted a two-dimensional coordinating strategy on education for sexuality: the formal curriculum in which students of both sexes would receive education for sexuality provided by MEP teaching, technical and administrative staff trained to deal with this subject; and the informal curriculum, operating through casual learning networks that exist within the school.

230. Workshops on Basic Sexuality addressed topics including experiences of sexuality, the concept of integral sexuality, biological and social aspects of sexuality, among others. They used a participatory approach taking advantage of participants' experiences, jointly reviewing their prejudices, values, attitudes and socialization, and incorporating theoretical and conceptual elements in the approach to sexuality with children and teenagers. In complementary fashion, the Pedagogic Project aimed to gather criteria, personal and other experiences, methodological practices and the discursive clarity of issues discussed in the workshops, to enable trainees to make contact with the community, with other groups of teachers and students of both sexes, to collaborate in activities relating to the management of sexuality.

231. To support this, a training plan entitled "Pedagogy on sexuality in the Ministry of Education" was developed under INAMU coordination. This provided training to 1,166 professional staff, including teaching, technical and administrative personnel from the MEP regional educational offices in Desamparados, San Carlos, Puntarenas, Limón and Cartago, together with PROMECUM teams[14] and single-teacher indigenous schools. This action made it possible for the schools in which these teachers worked, to start execution of Pedagogic Projects in Education for Sexuality, which included informative, formative and awareness-building activities for teaching staff, students and their families.

232. In addition, local campaigns had the aim of placing the issue of sexuality on the agenda through activities in the communities, starting from the premise that boys and girls are entitled to sexuality. Alongside this, Community Workshops offered the chance for teenagers of both sexes to talk more freely about their own sexuality, and express themselves in an open non-judgmental environment without restrictions on the expression of their thoughts.

233. The Amor Joven programme took advantage of methodological experiences in other countries, particularly Mexico, Colombia and Chile. "Conversation workshops on affectivity and sexuality" were held, which form part of a Chilean model that has been followed by countries such as Brazil, Mexico, Bolivia and Argentina. Although these workshops enabled the programme to reach the population outside the education system, they were difficult to implement: firstly because the methodology aroused considerable resistance among members of the technical team; and, secondly, convening the community was sometimes a complex process, with education staff or the community itself showing little appetite for participating. In addition, the duration of the workshops did not allow for a more substantive follow-up process with the community, nor effective influence by implementing a process on a mass scale.

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[14] These are interdisciplinary teams of professionals specializing in pedagogy, social work, personal guidance and psychology, located in schools in marginal urban zones in the metropolitan area of San Jose, who give assistance and advice to students living in situations of social risk.

234. The programme encountered major resistance from authorities and teaching staff at the Ministry of Education, together with fierce opposition from neo-conservative groups and the Episcopal Conference. This led to negotiations between the Government and the Catholic Church, resulting in substantial changes being made to the programme's philosophy and strategy. As Faerron pointed out in an evaluation of the programme (2002: 143-144):

> ... the Amor Joven programme aroused enthusiasm and generated high expectations because it approached the topic of sexuality through a critical evaluation of the sexual reality of teenagers, and also that of adults of both sexes, incorporating bases for a central policy into the organizational, conceptual and legal framework of the document. Nonetheless, many people feared that by making their position public, and implementing each of the action strategies, the training plan, together with the local campaigns, community workshops and groups or sectors that were hostile to the programme, would rise up once more, as had happened in the past with other similar efforts. This is precisely what did occur, since the PAJ proposal triggered a reaction from the Catholic Church.

235. This process revealed the intolerance that persists towards the topic and shows how difficult it still is to speak publicly about it. It also confirms the power of the Catholic Church and the pressure it still exerts over issues that are vital for the population and which concern the right to education for life. This has happened despite the fact that the Political Constitution protects the right to religious freedom.

236. The programme has continued to run workshops for teachers, together with local campaigns and community workshops, but under a different approach that emphasizes the transmission of knowledge on sexual and reproductive health, rather than fostering reflection on our conceptions of sexuality, and full and responsible exercise of it under a human rights approach. During the period under study, the CCSS Cuenta Conmigo [Count On Me] phone line continue to operate, providing an information and guidance service on issues relating to sexuality, mainly to teenagers and young people.

237. From this experience it can be seen that, in our context, public policies are not neutral ideology-free actions, nor are they the result of unilateral decisions; but they express a State management style in meeting the challenges of social development and ideological maintenance of the social order. Accordingly, strategies to promote substantial change in the subject need to be considered, such that public policies, especially in education, come to be seen as a particular way of linking the State with society, in order to organize the cohesion of the social system on the basis of consensus rather than imposition.

The female image in advertising

238. There are two laws that protect women against violence in the media and use of the female image for commercial purposes: the Control of Public Spectacles Act (No. 7440), and the Act on the Control of Advertising Using Images of Women (No. 5811). The State response in this domain has been and remains weak and deficient in controlling gender violence in the media, and commercial advertising that uses images of women in ways that are an affront to human dignity. There is no clear and consistent policy in this field capable of withstanding pressure from private enterprise (e.g. advertising firms, communications media). In addition, the whole protection system in this area is under threat as a result of a legal challenge filed

against the first of these laws. A ruling on the subject is awaited from the Constitutional Chamber.

Article 6:
Measures to suppress all forms of trafficking in women and exploitation of prostitution of women

Article 6: States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Sexual exploitation and forced prostitution of young girls and teenagers

239. The most significant progress in this field has been promulgation of the Act on the Sexual Exploitation of Minors (No. 7899) in 1999,[15] and creation of the Special Prosecutor for Sex Crimes (1998) and a Sexual Exploitation Unit in the Ministry of Public Security (MSP).

240. The commercial exploitation of young girls and adolescents is one form of sexual gender violence with serious implications for the lives of victims and society at large. This phenomenon is defined as "... the sale of young children and teenagers for commercial sexual purposes, sex trade or prostitution involving this population group, and pornography" (State of the Nation Project, 2001). Before this legislation was passed, the average number of complaints filed for trafficking in children and women, corruption of minors and pimping was approximately 82 per year. The figure then climbed to 185 in 1999 and 345 in 2000, as the types of aggression typified as crimes were expanded, particularly those relating to minors (Judicial Branch, 2001).

241. This Act brought Costa Rica into line with international law and set a new paradigm for understanding this phenomenon and problem. By banning the three recognized forms of child sex exploitation, it recognized the problem as aggression and sexual exploitation, rather than acts of perversion against the victims, thereby placing responsibility on the people and groups that encourage it instead of on the victims. Actions now emphasize punishment of those responsible as criminals, together with protection and support for the young children and teenagers involved.

242. Progress was made in recognizing the problem in Costa Rica (although some sectors still continue to deny or belittle its magnitude), in defining the problem, and correctly locating the causes and responsibilities of the crime, and in terms of knowledge about the modes of operation of persons who promote and engage in the sexual exploitation of children.

243. In January 1998, the Special Prosecutor for Sex Crimes and Domestic Violence was created. This branch of the Public Prosecutor's Office is responsible for receiving complaints of sex offences, and processing and investigating them.

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[15] This law reforms the chapter on sexual crimes in the penal code, which typifies and sanctions adult persons that have paid sexual relations with children. Incorporated pornography and the erotic use of children as a form of corruption. It also sanctions trafficking in persons for the purposes of sexual exploitation, and the manufacture, production and diffusion of child pornography. It increased and penalizes more severely a number of crimes when perpetrated with children. Nonetheless, this law does not penalize the possession of child pornography. Nor does it allow phone tapping or the confiscation of goods resulting from this offence. The latter is possible in the case of organizations engaged in drug trafficking.

According to Judicial Branch reports, 309 reports of pimping and aggravated corruption had been received by January 2001, of which 136 are currently under investigation. To date, 47 people have been indicted, of whom five have been found guilty and sentenced. Nonetheless, lawsuits against client-exploiters were virtually nonexistent (INAMU, 2002).

244. In 1998 the Casa Hogar de Tia Tere (Aunt Teresa Home) was founded as a public non-State organization. This is the only permanent and specialized shelter in Costa Rica that takes in young girls and adolescents suffering from situations of commercial sexual exploitation. In addition, several NGOs that care for population groups at social risk were also involved in prevention and care work related to these problems. In particular, Casa Alianza worked to raise the profile, investigate and publicly denounce the phenomenon.

245. At the same time, a number of State bodies promoted training and awareness activities and prepared informative materials on the problem, in particular the Ministry of Justice, INAMU, and the National Children's Office (PANI). These institutions also coordinated actions with the Costa Rican Tourism Institute to combat sex tourism. In addition, the Office of the Public Commissioner issued an opinion on the problem and made recommendations. In this effort to establish teams to participate in dealing with the problem, the National Commission for the Improvement of Justice Administration (CONAMAJ) developed a training programme for the various sectors of the judiciary on this issue.

246. The National Commission on Commercial Sexual Exploitation (CONACOES) was reorganized and refocused, having brought together representatives of civil society and State institutions since its creation in 1997. In the second half of 2001 however, under a further reorganization of government action, a presidential delegate was appointed to take responsibility for policies and plans to combat the problem, and CONACOES lost its raison d'être. Consequently the representatives of the main NGOs resigned.

247. The Costa Rican State has taken a number of important steps towards preventing and combating the problem, but, as pointed out by various sources (Claramunt, 2001; INAMU, 2002), its interventions have been weak. Public policy is lacking, and a lack of coordination persists between the actions promoted by various State institutions and NGOs. Prevention is almost nonexistent, and action is mostly focused on providing assistance to victims. Deep-rooted prejudices make it difficult to tackle this issue in public.

Article 7:
Participation in the public and political life of the country

Article 7: States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Women's political participation

248 Since gaining the right to vote more than 50 years ago, Costa Rican women have struggled to achieve effective and active exercise of their citizenship, which is not confined to casting an electoral vote every four years. The struggle to achieve equal representation between women and men in elected positions, public-sector decision-making posts, and decision-making bodies in political parties, has been a very important aspiration for women. Significant progress was made during the last decade, largely as result of alliances between organized women's groups, women in high-level posts and the national mechanism for the advancement of women (State of the Nation, 2001).

249 Women have made a very important contribution to the development of high-quality democracy from various local, regional and national platforms, although there is still a long way to go before achieving true equality, significant progress has nonetheless been made. On the one hand, the index of masculinity in popularly elected posts such as the Presidency, Vice-Presidencies, Deputies and Councillors, fell from 5.95 in 1994 to 2.01 in 1998. Results of this type are indicative of significant change (State of the Nation, 2001).

- To gain access to such posts, women firstly had to overcome huge barriers or obstacles within the political parties (Torres, 2001):
- Attitudes towards women persist that underestimate their capabilities, aptitudes and achievements.
- The burden imposed by a double working day, together with the demands made by their partner and children.
- The pyramid power structure controlled by men. As one moves towards the top of the structure, there are fewer and fewer posts available. Moreover, the structure is controlled by men; it is they who occupy most of the decision-making posts, which enables them to control both formal and informal decision-making and election mechanisms, while also promoting and supporting other male candidacies.
- Women generally have insufficient financial backing for election campaigns, and this is compounded in many cases by a lack of economic and moral support from their families.
- They also have limited access to strategic information, which diminishes their negotiating capacity and prevents optimal development of their leadership.

250 State actions during the last four years have focused on refining mechanisms to enforce women's minimum political participation quotas, and strengthen their capacity to exercise active citizenship through the National Mechanism.

Participation in and access to public posts

251 During the period covered by this report, notable progress was made in terms of women's participation in public posts. In the Government, the Rodriguez administration (1998-2002) included two women as Vice-Presidents of the Republic,

and appointed the executive president of INAMU as Minister for Women's Affairs in 1998. In that same year, the two Vice-Presidents were also appointed as ministers, although one of them subsequently resigned.

252. Only three of the 15 ministries were headed by women. On this occasion, women occupied 20 per cent of posts, which represents a 50 per cent increase compared to the previous administration, while 18 per cent of the executive presidencies of autonomous bodies were also held by women. In this administration although 23.5 per cent of all cabinet posts were held by women, the previous trend to appoint women as deputy rather than full ministers was maintained.

Table 2

Appointment of women in public posts, 2002-2006

Posts	*General total*	*No. held by women*	*Percentage of total*
Ministers	20	5	25
Deputy Ministers	25	12	48
Executive Presidencies	21	5	23.8
Directors General/ Executive Presidents	21	3	14.28

Source: INAMU Active Citizenship, Leadership and Local Management Area, 2002.

253. During the last decade, there was no significant increase in the number of women deputies in the Legislative Assembly, despite a significant rise in the participation of women as candidates for elected posts. Nonetheless, gender disparities persisted in the posts actually gained by women since most of them appeared in "non-electable" positions on ballot lists. Nonetheless, women did achieve a considerable increase in candidacies for the first elected posts between 1990 and 1998, rising from 6.7 per cent to 25.1 per cent (State of the Nation, 2001). This disparity reveals inequities in women's access to candidate lists in positions that have chances of being elected.

Table 3

Female participation in the Legislative Assembly, 1958-2006

Period	*Total No. of Deputies (men and women)*	*Total No. of Women Deputies*	*Women's share (percentage)*
1953-19580	45	3	6.7
1958-1962	45	2	4.4
1962-1966	57	1	1.8
1966-1970	57	3	5.3
1970-1974	57	4	7.0
1974-1978	57	4	7.0
1978-1982	57	5	8.8
1982-1986	57	4	7.0
1986-1990	57	7	12.3
1990-1994	57	7	12.3
1994-1998	57	9	15.8
1998-2002	57	11	19.3

Period	*Total No. of Deputies (men and women)*	*Total No. of Women Deputies*	*Women's share (percentage)*
2002-2006	57	20	35.08

Source: INAMU Active Citizenship, Leadership and Local Management Area, 2002.

254. One example of this can be seen in the level of female participation in elections for deputies. In 1990 in the province of San José, 27.3 per cent of the 187 candidates were women. In 1994, a similar percentage was maintained (28 per cent of a total of 168 seats), but in 1998 women obtained 47.9 per cent of a total of 267. The province of Limón improved significantly from three candidates in 1994 to 26 in 1998. In contrast, the province of Guanacaste suffered a major setback, dropping from nine women candidates in 1990 to seven in 1994, although female participation recovered in 1998 as the number of candidates rose to 34.

255. The position or order of election occupied by men and women in the ballot list for deputies is variable, and this causes gender disparities in the seats actually obtained by women: nine and 11 deputies in the elections of 1994 and 1998, respectively, out of a possible total of 57. Nonetheless, there was significant progress in terms of female candidacies for the first five elected posts, which rose from 6.7 per cent in the first election of the decade (1990), to 25.1 per cent in 1998.

256. A similar situation prevails at the local level, where proportionately more women candidates for councillors were elected than those that aspired to a seat as a deputy: 12.4 per cent in 1990, and 34.4 per cent in 1998. In 2002, women obtained 46.70 per cent of seats as incumbent councillors, and 53.30 per cent as alternates. In the case of mayoral positions, however, which involve major decision-making faculties, women represented just 6 per cent of the total in 1998 (81 mayors) (State of the Nation, 2001).

257. As has been pointed out several times, the initial affirmative actions to promote equal opportunities in electoral processes occurred with the Act Promoting the Social Equality of Women. In 1996, the Electoral Code was reformed in article 58, paragraphs n and ñ, and in article 60 (Act No. 7653), by introducing a system of quotas for women's participation in the party structure and candidate lists for popularly elected posts, with the minimum being set at 40 per cent. The reform also stipulates that the composition of delegates to district, cantonal and provincial assemblies must also respect the 40 per cent minimum. In addition, the statutes of political parties must comply with article 6 of the Act Promoting the Social Equality of Women, by assigning a percentage of the political debt to which they are entitled to promote women's political formation and participation.

258. Despite this, in the 1998 elections it proved impossible to ensure that even this 40 per cent was applied to electable posts on the ballots submitted for popular vote. As shown in the following table, ballots for the positions of first and second Vice-President were taken by women (61.5 per cent); nonetheless, women still fail to break into the first places for seats as deputies or councillors.

Table 4

Share of men and women in popularly elected posts, according to ballot positions : electoral period 2002-2006

		Participation by gender					
		Absolute numbers			*Proportions*		
Popularly elected posts	*Positions on lists*	*Women*	*Men*	*Total*	*Women*	*Men*	*Total*
Presidency and Vice-Presidency of the Republic	Presidency	0	13	13	0	100	100
	First Vice-Presidency	8	5	13	61.5	38.5	100
	Second Vice-Presidency	8	5	13	61.5	38.5	100
Deputies	First place	23	73	96	24.0	76	100
	Second place	49	47	96	51.0	49	100
Councillors	First place	217	501	718	30.2	69.8	100
	Second place	332	386	718	46.2	53.8	100
Totals		637	1030	1667	38.2	61.8	100

Source: INAMU Active Citizenship, Leadership and Local Management Area, 2002. Prepared on the basis of resolutions approved by the General Civil Registry Office, 2002.

259. Changes were therefore needed to make this right effective. On 23 September 1999, in reply to a request from the Minister for Women's Affairs, who is also Executive President of the National Institute for Women, the Supreme Election Tribunal established in Vote No. 1863 that:

260. "... the 40 per cent share for women in ballot lists for election as deputies, councillors and trustees must apply to electable posts." The ruling must also be complied with when appointing delegates to each of the district, cantonal and provincial assemblies; in addition each political party must adapt its statutes in order to effectively guarantee women's participation in the form and percentages provided for herein. The Civil Registry will not register candidate lists unless these parameters are respected."

261. This situation is reflected in data provided by INAMU (2002), confirming that the General Civil Registry Office issued 73 resolutions cautioning 11 political parties (10 nationally and one at provincial level) for non-compliance with the 40 per cent minimum quota for women's participation.

Table 5

Number of lists rejected for non-compliance with the 40 per cent minimum female participation by political party, electoral period 2002-2006

Name of political party	*Lists rejected*
Acción Ciudadana	2
Fuerza Democrática	12
Independiente Obrero	22
Integración Nacional	13
Liberación Nacional	6
Movimiento Libertario	2
Coalición Cambio 2000	4
Renovación Costarricense	2

Name of political party	*Lists rejected*
Rescate Nacional	1
Unidad Social Cristiana	2
Acción Laborista Agrícola (provincial level)	7
Total:	73

Source: INAMU Active Citizenship, Leadership and Local Management Area, 2002. Prepared on the basis of resolutions approved by the General Civil Registry Office, 2002.

262. According to articles 4 and 5 of the Act Promoting the Social Equality of Women – and pursuant to the resolution mentioned above – political parties must include among their duties and functions and in their respective statutes, verification of the appointment of women satisfying the 40 per cent quota in their leadership bodies and in appointments to public posts:

> "Article 4: The Public Commissioner for Human Rights shall take all necessary and appropriate steps to guarantee equal opportunities for women, in order to eliminate discrimination against them in the holding of public posts in centralized and decentralized administration.
>
> Article 5: Political parties shall include effective mechanisms in their statutes to promote and ensure effective participation by women in internal election processes, in the leadership bodies of the party and in ballot papers."

263. The statutes referred to in the previous paragraph must contain effective mechanisms to ensure a significant percentage of women are appointed to vice-ministries, major government offices, boards of State bodies, executive presidencies, boards of directors, and the administrative and deputy administrative bodies of the State's decentralized institutions.

264. Experience has shown that it is both necessary and advisable to establish a standard method for all political parties to comply with the quota, and thereby avoid the hostility towards women that results from individual political parties using different mechanisms. In this regard, the alternation mechanism, with the top of the list being chosen at random, is the best alternative for unblocked lists – as is the case at present – rather than what the Supreme Electoral Tribunal (TSE) proposes in the reform to the Electoral Code, which involves partial unblocking.

265. The Constitutional Chamber of the Supreme Court of Justice, acting under the auspices of article 7 of the Convention, affirmed in ruling 0716-98 of 6 February 1998 that: "... to counteract the discrimination suffered by women, the legal system gives them special protection and requires the Government to appoint a reasonable number of women to public posts, since otherwise their access to such posts would be much more problematic notwithstanding their capacity and professional formation."

266. In response to consultations lodged by the Minister for Women's Affairs and Executive President of INAMU, TSE Resolutions 1863, 2837 and 804-E-2000 made it compulsory for political parties to implement internal mechanisms to facilitate application of the minimum women's share of electable posts in their lists of candidates for the Legislative Assembly and municipalities. Despite the many obstacles placed in the way of women candidates by most political groupings, the requirement to adopt procedures for complying with the minimum quotas means that

following the most recent elections of February 2002 women now represent about 36 per cent of the 57 deputies in the Legislative Assembly. Experience has proved the necessity and advisability of replacing the historical method by alternate places on the ballot lists.

267 Lastly, it is important to consider the results of the 2000 National Census, which could change the electoral map as a result of changes in the population distribution across the different provinces.

268 As stated in article 5 of Act No. 7142, the statutes of political parties will include effective mechanisms to ensure the appointment of a significant percentage of women to vice-ministries, major Government offices, boards of State bodies, executive presidencies, boards of directors, and the administrative and deputy administrative bodies of the State's decentralized institutions. The reality, however, is that in most cases such mechanisms do not yet exist or are very vaguely defined, and the minimum quota continues to be ignored. Thus, for example, women held just 18 per cent of the executive presidencies of autonomous institutions (INAMU, 2000b).

269 The exclusion of women from political decision-making positions infringes their right to participation, and is a problem addressed in ex-officio investigations by the Office of the Public Commissioner (Progress report 2000-2001). In 2001, it heard a complaint filed by Women's Political Agenda, which argued that appointments to the board of directors of autonomous bodies should comply with the provisions of domestic and international law, and with Constitutional Resolution 716-98 dated 11:51 hrs on 6 February 1998, which makes female participation in boards of directors compulsory. The following table shows the participation of men and women on the boards of selected institutions, according to research carried out by the Public Commissioner's Office for 2000, and by INAMU for the period 2002-2006.

Table 6

Participation by men and women on the boards of directors of selected autonomous, semi-autonomous and decentralized institutions, and in the Presidency of the Republic

	Participation by gender 2000[16] (Percentage)		*Participation by gender 2002-2006[17] (Percentage)*	
Institution	*Men*	*Women*	*Men*	*Women*
Public Utilities Regulatory Authority (ARESEP)	60	40	60	40
Costa Rican Water Supply and Sanitation Institute (AyA)	100	0	0	•
Central Bank of Costa Rica (BCCR)	•	•	86	14
Banco Crédito Agricola de Cartago (BCAC)	•	•	86	14
Banco de Costa Rica (BCR)	•	•	71	29
Banco Nacional (BN)	100	0	87.5	12.5
Banco Hipotecario de la Vivienda (BANVHI)	•	•	100	0

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[16] Research undertaken by the Office of the Public Commissioner, mid-2001000.

[17] Research undertaken by the INAMU Citizenship. Leadership and Local Man*agement Area. July 2002.

Institution	*Participation by gender 2000[16] (Percentage)*		*Participation by gender 2002-2006[17] (Percentage)*	
	Men	*Women*	*Men*	*Women*
Cost Rican Social Security Fund (CCSS)	100	0	87.5	12.5
National Emergencies Committee (CNE)	*	*	67	33
National Production Council (CNP)	100	0	100	0
National Science and Technology Council	*	*	100	0
Correos de Costa Rica (postal service)	*	*	60	40
National Community Development Board (DINADECO)	*	*	50	50
Cost Rican Aqueducts Institute (ICAA)	*	*	100	0
Cost Rican Electricity Institute (ICE)	100	0	100	0
Sport and Recreation Institute (ICODER)	*	*	86	14
Cost Rican Tourism Institute (ICT)	*	*	86	14
Institute for Agricultural Development (IDA)	85.7	14.3	100	0
Institute of Municipal Development and Assistance (IFAM)	85.7	14.3	71	29
Joint Institute for Social Assistance (IMAS)	40	60	29	71
National Apprenticeship Institute(INA)	*	*	78	22
National Institute of Women (INAMU)	*	*	0	100
Costa Rican Railways Institute (INCOFER)	71.4	28.6	100	0
Costa Rican Fishing and Aquaculture Institute (INCOPESCA)	*	*	91	9
National Institute of Statistics and Censuses (INEC)			100	0
National Institute of Cooperative Development (INFOCOOP)	85.7	14.3	*	*
National Insurance Institute (INS)	90	10	86	14
Costa Rican Pacific Ports Institute	*	*	57	43
National Institute of Housing and Urban Development (INVU)	100	0	100	0
Atlantic Port Administration and Economic Development Board	*	*	86	14
Social Protection Board	60	40	50	50
National Children's Office (PANI)	0	100	0	100
Costa Rican Oil Refining Company (RECOPE)	71.4	28.6	86	14
National Ground Water, Irrigation and Drainage Service	*	*	100	0
National Radio and Television System (SINART)	*	*	57	43

Source: Office of the Public Commissioner 2000. INAMU Active Citizenship. Leadership and Local Management Area. 2002.

* Information unavailable.

270 In the opinion of the Public Commissioner's Office, these figures provided evidence of the non-existence of proportional participation by women – in some cases there was no female participation at all – in relation to men in certain decision-making posts, such as boards of directors. A total of 34 women on boards of directors does not satisfy the legal requirement for a "significant number of women", when institutions such as CCSS, ICE, INVU, CNP, AyA and BN do not have a single woman on their boards. This situation undermines women's political rights, particularly in terms of their right to electability. An INAMU study of 30 institutions revealed that of 215 posts, 54 are occupied by women (25.12 per cent) and 161 (74.88 per cent) are held by men.

271 The Act Promoting the Social Equality of Women is neither clear nor decisive in assigning responsibilities to the State/Government. Even so, CEDAW and the principle of non-discrimination involve action that clearly implies participation by women in the different domains of political decision-making.

272 The Government's justification was that appointments to some of the mechanisms mentioned above have to be made from rosters submitted by other organizations that have board representation. Despite the existence of this mechanism in certain cases, the final decision rests with the Government or cabinet, so they should be held to account as regards to the participation quota. The Government at least should remind organizations that submit possible names of the need to comply with the requirements of domestic laws.

273 The Minister for the Presidency claimed that another factor hindering the appointment of women to decision-making posts, during the Rodriguez administration (1998-2002), were the eligibility requirements established by the respective laws. The Public Commissioner's Office replied that apart from women's personal qualities and qualifications, social factors have restricted their participation, including roles assigned in the family, the time demanded of them in performing domestic duties, and prevailing cultural stereotypes regarding their participation in areas traditionally occupied by men. Concurring with this opinion, a 1987 meeting of experts of the Inter-American Commission of Women stated that women's electability faced obstacles that do not depend exclusively on personal qualities, but on various factors such as family, and subjective and economic demands (García Prince, 2001).

274 Given the interdependent nature of human rights, women's right to electability has a negative effect on their other rights. This restriction on women's participation clearly weakens democracy, as a form of national government, by excluding the opinions, interests and points of view of half the population.

275 On the subject of women's political participation, the Public Commissioner's Office stated that while progress in the exercise of their rights and responsibility and the proactive role played by the State in this progress need to be recognized, the restrictions on eligibility and access to power structures still faced by women cannot be ignored. The role of women in the public domain needs to be strengthened and empowered, particularly in the political arena. For this purpose, sociocultural and ideological barriers need to be overcome which manifest themselves in inequalities between men and women even within the family, along with attitudes displayed in government which perpetuate a male power system by failing to appoint women to the various decision-making bodies.

276. Despite the existence of international and domestic laws on the subject, these are neither sufficient nor clear in the way they assign government responsibilities, which makes it impossible to take legal action to enforce them. Responsibility for the right to electability cannot be imposed on political parties, once a given political party has arrived in government. This situation has been clarified by the Constitutional Chamber in a recent vote (No. 2000-4350, in Amparo Proceeding 99-7171-0007-CO), which states:

> "The conventional and legal obligations discussed firstly enshrine the right to non-discrimination, and secondly impose commitments on public authorities and political parties to take steps to ensure female participation; but these rules cannot be used to adduce a fundamental right, enforceable through this channel, for a significant proportion of women to be appointed to public posts."

277. These considerations demonstrate the need for legal reforms reaching beyond what has been achieved on this subject thus far. In view of these problems, and invoking its right to mandatory consultation on the subject by the Commissions of the Legislative Assembly that discuss draft laws, INAMU presented a set of proposals for inclusion in the Electoral Code Reform Bill (Procedure 14.268), which is currently before the Legal Affairs Commission. The analysis and proposals are intended to contribute to a comprehensive reform that would resolve the problems and shortcomings identified in the Code, as summarized below.

278. The reform bill proposes alternating men and women in the ballot lists submitted by political parties for national and local elections. Nonetheless, the mechanism that automates the listing by gender does not ensure that the 40 per cent minimum representation of women is complied with, because, given the existence of the preferential vote (article 167), it becomes an unblocked list where the final adjudication of seats (article 168) is decided on the basis of the number of preferential votes obtained by each candidate. The article provides that "the candidates with the most preferential votes will occupy the first places in decreasing order. Candidates that have not obtained preferential votes will be placed afterwards, maintaining the original order in the lists presented." For this reason, INAMU proposed blocking the lists.

279. The statutes of political parties (article 51) are required to clearly and explicitly respect rules relating to compliance with the 40 per cent minimum share for women, and the corresponding minimum percentage of financing for women's political training and formation. This is based on the Act Promoting the Social Equality of Women (No. 7142) article 6, which specifies that "... political parties must set aside a certain percentage to promote the political formation and participation of women." The Minister proposes that political parties should assign a minimum percentage of the State contribution to finance political formation, with at least 30 per cent of this being used for the formation and training of women.

280. It also proposed that the TSE should incorporate a Gender-Equity Unit into its internal structure, which would promote a strategy for gender mainstreaming in the institution's policies, plans, programmes, actions and services.

281. It urged the use of inclusive vocabulary in strategic parts of texts such as titles (Article 4 The elector [El elector or la electora]; article 8 "Absence of members" [Ausencia de miembros/as] – or change this to "Absence of participants" [Ausencia

de los/as integrantes]; article 15 "Alternate judges" [Magistrados/as suplentes]; article 20 "On the President and Vice-President" [Del Presidente/a y Vicepresidente/a], chapter IV "The delegate body" [El Cuerpo de Delegados/as]), and, when referring to citizens and candidates, explicitly mention their female equivalents also [ciudadanos/as, candidatos/as].*

282 Statistical information should be gender-specific, including data presented by each political party in relation to internal, national and local election processes, and in the composition of candidate lists.

283 The bill proposes a new article ensuring the conditions needed to guarantee equal opportunities in the appointment of TSE delegates, specifying that the delegate body appointed by TSE will be chosen "under conditions of equal opportunities between men and women."

284 Article 48 of the Electoral Code, on the organization and internal democracy of political parties, alludes to a number of democratic premises that should guide such organizations. As the current text only refers to the principle of equality, INAMU proposes amending this to ... principles of equality and equity...

285 Similarly, and in order to guarantee the inclusion of women throughout the text of the Code, the Institute also proposes adding to the rights of members of political parties "the right of women to participate in all decision-making mechanisms and posts, in conditions of equality and equity with men," with a duty to "promote the elimination of discrimination in all its forms".

286 Expand the function of political parties and independent groups, which should ensure that their propaganda and information contribute to civic education, promote citizen participation and make women's contribution to building the political culture of this country more visible..."

Participation by women in the judiciary

287 In 1994-2000 a total of 43 judges were appointed in the Judicial Career System, of whom 18, or 42 per cent, were women. These figures display a slowly rising trend in the number of women in the judiciary. Nonetheless, women's access to the system's top-ranking positions, such as High Court judge and Magistrate remains problematic and full of obstacles.

Participation by women in the Supreme Electoral Tribunal

288 The Supreme Electoral Tribunal (TSE) appointed its first incumbent female judge in 1998. This represented a major step forward in terms of women's participation of in the powers of State, because until then the Tribunal was the only body with no female presence. Since then, however, no more female judges have been appointed.

Contributions by women's movements

289 The women's movement in Costa Rica consists of a wide variety of groups and organizations committed to eliminating gender inequalities and discrimination, and promoting a democracy in which equitable social relations prevail between women and men. This is a "developing social movement," which has its strengths but also weaknesses and difficulties. It has played a strategic role in ensuring compliance

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*Translator's Note: These distinctions do not need to be made in the English language version.

with the Convention and with the commitments contained in the Platform for Action of the Fourth World Conference on Women.

290. As stated in the Central American Initiative in Follow-Up to Beijing (1999), during the 1990s the women's and feminist movements, and NGOs, exploited valuable experience accumulated from alternative participation structures. These processes made it possible to partially call into question the way in which sexist power is exercised, and became a "responsive and alternative mechanism for dialogue with the State."

291. The main struggles and achievements of the women's movement, during the period covered by this report, include the following:

292. Approval of Act No. 7801 creating the National Institute of Women as an autonomous institution with greater autonomy and higher political rank than its predecessor, the National Centre for the Development of Women and the Family (CMF). The initiative and persistence of the women's movement made it possible to include NGO representatives on its board of directors.

293. The Autonomous Women's Forum, coordinating various women's organizations and in partnership with other social sectors, participated in the National Consensus Process (1998-1999) through working commissions on telecommunications, family allowances and social development, pensions, corruption and rural development.

294. Amendments to the Draft Regulation on Sterilizations, in July 1998.

295. Lobbying by various sectors of the movement to ensure compliance with women's 40 per cent minimum share of electable posts. This contributed to the Supreme Electoral Tribunal's issuing a favourable ruling on the subject in October 1999.

296. For the first time during an electoral process (1997-1998), a coalition of women's organizations from different social and political sectors (known as the Women's Political Agenda) prepared a joint document proclaiming their rights, for presentation to political parties participating in the process. For the 2002 elections, the Women's Political Agenda, supported by other organizations, managed to reach consensus on a 12-point manifesto. This was presented to the 13 presidential candidates, and negotiations were held with eight of them who put their signature to it. The Women's Political Agenda is an expression of the women's movement that seeks new organizational forms making it possible to carry out political activity from a female platform and on women's behalf. The key mission of this grouping is to strengthen the women's movement and civil society, from the standpoint of democratic practice that includes human rights, political participation and gender democracy as fundamental principles (Central American Initiative in Follow-Up to Beijing (Costa Rica chapter), 1999).

297. The feminist arm of the women's movement was instrumental in drafting and gaining approval for laws such as the Act on Sexual Harassment in the Workplace and in Education (1995), the Domestic Violence Act (1996), the Act on the Sexual Exploitation of Minors (1999), the Responsible Paternity Act (2001), and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (2001).

298. The INAMU Women's Forum, representing the women's movement in this domain, presented the INAMU reform bill to the Legislative Assembly. This proposed democratizing the decision-making process, expanding the representation of civil-society organizations on the board of directors, and including representation from public universities. The proposed changes also guarantee genuine autonomy for the Women's Forum, as a consultative and advisory body rooted in civil society. The bill is currently being scrutinized by the Special Permanent Commission for Women of the Legislative Assembly.

299. The "Beijing +5 and more" Forum is a space where a variety of initiatives converge, including Raices de la Diversidad (Roots of diversity), Iniciativa Regional de Seguimiento a Beijing (Regional initiative in follow-up to Beijing), Iniciativa Continental de Mujeres Indigenas (Continent-wide indigenous women's initiative), Iniciativa Cumbre Hábitat y su relación con Beijing (Habitat Summit initiative and its relation to Beijing), together with NGOs and women acting on an individual basis. This Forum aimed to monitor agreements reached at United Nations international conferences, from a civil-society platform, establishing an ethical framework for coordination of initiatives between INAMU and the women's movement, allowing for participation and access to decision-making mechanisms and promoting women's political participation (Central American Initiative in follow-up to Beijing (Costa Rica chapter), 1999).

300. The Women's Political Agenda, together with the "Beijing +5 and more" Forum and other initiatives, are the outcome of political actions by the women's movement to uphold their right to democracy and citizenship. This has made it possible to create mechanisms allowing access to decision-making mechanisms, and to ensure the rights and needs of women are included in the State agenda (Central American Initiative in Follow-Up to Beijing (Costa Rica chapter), 1999).

Article 8:
International representation and participation in international organizations

Article 8: States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Presence of women in diplomatic representation

301. The presence of women in the Ministry of Foreign Affairs has increased steadily over the last decade. The Rodriguez administration (1998-2002) appointed a woman as Deputy Minister for the first time, and 58 per cent of ministry staff working in Costa Rica were women in early 2002. It was not possible to obtain figures on their share of the posts existing within the Ministry, except for department headships, of which 41 per cent were held by women and 59 per cent by men. These figures represented an increase compared to the previous period; if continued, parity would be achieved in about five years.

302. In the foreign service, the figures continued to display gender disparities, which may reflect unequal access to the various posts. Women account for 57 per cent of all candidates for entry into the diplomatic career: 28 out of 49 applicants. Half of the female candidates were between 20 and 29 years of age, 68 per cent were single and 32 per cent were married. In conclusion, young and single women

showed great interest in the foreign service, possibly because it is easier for them to move around without the pressures of looking after a family. As many as 39 per cent of applicants worked in the private sector, while 30.6 per cent claimed to come from the public sector. Another interesting fact is that 71 per cent of all applicants were not already on the Ministry staff. The remaining 29 per cent were currently working for the institution. There were no significant gender differences in this regard.

303. Table 7 summarizes the behaviour of the Ministry in terms of appointing staff for the foreign service, during the four years covered by this report. Although it was not possible to obtain information on how many men and women candidates were ultimately chosen, a number of trends can be discerned:

a) Although about 60 per cent of applicants for the foreign service were women, the ratio of appointments during the four years was the inverse of this. It remains to be established whether the results reflect worse performance by women in tests or are the result of sexist biases.

b) The positions of Ambassador, Consul, Honorary Consul and Ministerial Counsellor – the highest ranking posts in the system – were 60 per cent held by men. Women tended to be employed in stereotyped positions such as Administrative Secretary, or at subordinate levels in diplomatic missions. This points to gender segregation in the occupational structure of the service.

Table 7

Distribution of men and women in the foreign service by post occupied, 1998-2002

Post	*1998*		*1999*		*2000*		*2001*		*2002*	
	Men	*Women*	*Men*	*Women*	*Men*	*Women*	*Men*	*Women*	*Men*	*Women*
Ambassador	21	9	4	3	3	0	8	1	6	4
Administrative Secretary	1	6	0	5	3	5	0	4	0	1
Ministerial Counsellor	10	18	2	0	0	2	5	4	1	0
Honorary Consul	1	1	9	2	6	0	4	0	1	3
Alternate Representative	1	0	0	0	0	0	0	0	0	0
Administrative Assistant	1	0	1	0	1	0	0	0	0	0
Cultural Attaché	1	0	0	0	0	0	0	0	0	0
First Secretary	1	4	0	0	0	0	0	1	1	1
Ministerial Counsellor and Consul General	11	7	2	2	2	0	3	1	1	1
Chauffeur	1	0	0	0	0	0	0	0	0	0
Counsellor	7	7	1	3	1	0	0	3	0	1
Commercial Attaché	1	0	5	0	0	0	0	0	1	0
Consul General	15	2	1	0	1	0	1	0	0	0
Counsellor and Consul	1	1	0	0	0	0	2	2	0	1
First Secretary and Vice-Consul	1	2	0	0	0	0	0	0	0	0
Second Secretary	1	1	0	0	1	0	0	0	0	0
Vice-Consul	1	1	0	1	0	0	[illegible]	0	0	0
Honorary Vice- Consul	1	0	0	1	2	3	0	1	0	0
Attaché	0	1	0	1	1	1	2	1	1	2
Commercial Attaché and Vice-Consul	1	0	0	0	0	0	0	0	0	0
Consul	4	6	4	1	0	1	1	1	0	1

	1998		*1999*		*2000*		*2001*		*2002*	
Post	*Men*	*Women*	*Men*	*Women*	*Men*	*Women*	*Men*	*Women*	*Men*	*Women*
Attaché and Consul	0	0	0	0	0	0	1	0	0	0
Chargé d'Affaires	0	0	0	0	1	1	1	0	0	0
Honorary Chancellor of the Consulate	0	0	0	0	0	0	0	1	0	0
Investment Attaché	0	0	0	0	0	0	0	0	1	0
Honorary Consul General	0	0	0	0	1	0	1	0	1	0
Ministerial Counsellor	0	0	0	0	0	0	1	0	0	0
Ministerial Counsellor and Consul	0	0	1	0	0	0	0	0	0	0
Total	82	66-67	30	19	23	13	31	20	14	15
	(55%)	(45 %)	(61 %)	(39 %)	(63 %)	(37 %)	(62%)	(38 %)	(49%)	(51%)

Source: Prepared by the author on the basis of data obtained from the Ministry of Foreign Affairs, 2002.

Gender equity in foreign policy

304. In an attempt to eradicate some of the obstacles to gender equity in foreign policy that were identified in the previous report, INAMU coordinated a series of actions with the Ministry of Foreign Affairs as part of an explicit institutional policy. This initiative produced the following results (INAMU, 2000):

a) Dissemination of public policies on gender.

b) Recognition of the National Mechanism as the lead agency in equality policies. This step enabled INAMU to provide advice on foreign-policy stances to missions abroad and in international forums on this issue.

c) Appointment of the National Mechanism representative as a member of official delegations to inter-governmental meetings on women and gender, such as the United Nations, the Economic Commission for Latin America and the Caribbean (ECLAC), and meetings of ministers for women's affairs, with the rank of head of delegation.

305. Implementation of this policy, accompanied by systematic and sustained international projection, made it possible to obtain international cooperation funds to strengthen the institutional execution capacity of the National Mechanism on gender-equality and equity policies, and their dissemination, and also on public awareness-building policies. Under this strategy, international cooperation funds were used to strengthen ongoing institutional actions, thereby avoiding reliance on resources from international donors and guaranteeing sustainability.

306. This policy led to the appointment of INAMU as General Regional Coordinator of the Network of Governmental Organizations or National Mechanisms for Women in Latin America and the Caribbean for 1996-1999, and its subsequent re-election for the period 1999-2001. In fulfilling this position, INAMU, assisted by the Costa Rican Foreign Ministry, lobbied for political-administrative, budgetary and technical strengthening of national women's mechanisms at various Central American, hemispheric and Ibero-American presidential summit meetings, (INAMU, 2000).

307. An emerging need in this context is to strengthen the role of the National Mechanism to enable it to provide permanent support to missions abroad and in

international foreign-policy decision-making forums, going beyond situations where gender-equity is an explicit focus. The Ministry should recognize that all foreign-policy issues have a relation with gender equality and equity, so INAMU should have active participation in other summits where issues are discussed and decisions taken that affect the lives of women. Examples of these include the Free Trade Area of the Americas (FTAA) and other foreign-trade-related organizations, and the World Conference to Combat Racism and Racial Discrimination held recently in Durban, South Africa.

Accountability on international commitments to promote gender equality and equity

308. Over the last four years the Ministry of Foreign Affairs has been working to bring the country up-to-date in terms of reports to the Specialized Committees of the United Nations System and the Inter-American System for the Promotion and Protection of Human Rights. In most of these reports the situation of women remains invisible. Stronger action is therefore needed by the Cabinet to ensure that the evaluation of each article in every treaty in these reports includes an assessment of the status of women's rights.

309. INAMU and its predecessor, the National Centre for the Development of Women and the Family, implemented a variety of initiatives to bring the country up-to-date in terms of reports on the elimination of all forms of discrimination against women. As part of this process, INAMU worked to produce the Beijing +5 balance sheet, seeking dialog and negotiation with civil-society women's organizations through these initiatives. This effort was based on the conviction that systemization and joint reflection generate learning and mutual trust, open up opportunities for continuity, and make it possible to establish good practices for dialogue and partnership between the parties. An initial formal expression of that process was the agreement and signing of a "Ethical framework for dialogue and negotiation between the National Institute of Women and non-governmental women's organizations". This laid the foundations for future work to develop permanent mechanisms for the monitoring and follow-up of agreements. This is a good practice that is worth maintaining (INAMU, 2000).

Article 9:
Nationality and citizenship

Article 9: States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

States Parties shall grant women equal rights with men with respect to the nationality of their children.

Migrations generate new citizenship problems

310. During the last decade, Costa Rican women managed to overcome gender inequalities relating to nationality and citizenship. Now, all women have equal rights with men to acquire, change or retain their nationality; and the State guarantees them the same rights with respect to the nationality of their children of either sex.

Nowadays, however, it is Nicaraguan women living in the country on an irregular basis, who face the greatest discrimination in this domain, given their number and conditions of inequality.

311. Costa Rica has a long tradition of giving asylum, and in recent decades it has taken in large numbers of displaced immigrants seeking refuge from the armed conflict in Central America and its economic, social and political consequences. First it was Salvadoran men and women, but now about 80 per cent of immigration comes from Nicaragua. A large proportion of these people enter the country on an irregular basis, which generates vulnerability and puts them at risk of human rights violations. Given their gender status, women face the greatest discrimination and exploitation.

Nicaraguan immigrant women

312. The massive presence of Nicaraguan immigrants in Costa Rica has economic, political and social explanations, which have been discussed in various forums in both countries. Nonetheless, there has been little research focusing on the presence of Nicaraguan women in our country, and the specific situations they face as result of their gender. Complaints have been lodged with the Public Commissioner's Office alleging the refusal by State institutions to provide them or their children with health services, or to grant them study certificates because they do not have migratory documentation. There are cases of irregular migrant women who have been unable to regularize their migratory status in Costa Rica, because they do not hold a Nicaraguan birth certificate having never been registered in that country.

313. The Tugurios Census conducted during the Figueres Government revealed that 42 per cent of families living in precarious settlements in the Central Canton of San José were of Nicaraguan origin. As many as 42 per cent of these households were either headed by women or else were non-nuclear families. This means that the family link extends through consanguinity ties and beyond, and includes other persons not related to the family group (Chen et al, 2001).

314. Despite the major presence of Nicaraguan immigrants in Costa Rica, and the demographic impact they could have on the implementation of public policies in the social sector, there is no specific legislation regulating Nicaraguan migrant policies in Costa Rica. During the last decade various administrations set up mechanisms to regulate the presence of immigrants, especially those from Nicaragua. These included the Migratory Exception Regime, applied by the Rodríguez administration for Central Americans living in the country before 1998, and the Regime for the Granting of Seasonal Work Permits. Both of these represent attempts to control the presence and labour-market participation of the Nicaraguan immigrant population.

315. Research shows that the women in this population group endure serious disadvantages. As many as 45 per cent of Nicaraguan immigrant women in Costa Rica did not complete primary education, and 11 per cent of them have no schooling at all (Chen et al, 2001). As a result, their labour-market participation is precarious and they are located at the base of the job pyramid. As many as 61.6 per cent of employed Nicaraguan women are engaged in paid services, which means in practice that the vast majority are employed in domestic service (State of the Nation, 2000). Despite their labour-market participation, many fail to demand compliance with the corresponding labour rights, because of their illegal status or ignorance of the legislation that protects them.

316 Qualitative studies have documented the existence of an extensive support network among Nicaraguan immigrants of both sexes in Costa Rica. Women play a fundamental role in this by contributing money or family remittances to enable additional Nicaraguans to emigrate to our country in search of opportunities, or else to survive in Nicaragua (Chen et al, 2001).

317 In view of their presence in the country, some sectors of Costa Rican society perceive Nicaraguan immigrants as a threat, and they blame the women for this – especially as regards the deterioration of public services. In justification, they point to the high fertility rate among Nicaraguan immigrants of childbearing age compared to their Costa Rican equivalents (3.8 children compared to 2.8, respectively) (Chen et al, 2001). In 1999, for example, 12.3 per cent of all births in Costa Rica were children of Nicaraguan women (State of the Nation, 2000).

318 The public services most frequently used by the Nicaraguan immigrant population were health and education, since their high rate of childbearing means they have more frequent need of hospitals and schools. This has clearly had a major impact on those services,[18] as is reaffirmed by figures on the use of contraceptive methods by Nicaraguan women of childbearing age. Up to 70 per cent of women with partners in this age group used female contraceptive methods, the main provider of which is the Costa Rican Social Security Fund. In addition, 84 per cent of Nicaraguan immigrant women that have had children in the last three years were cared for under the same conditions as their Costa Rican counterparts in the National hospital system (Chen et al, 2001).

319 The reality is that a large proportion of Nicaraguan women and their children arrive in the country intending to stay, but they have few opportunities to regularize their migratory status and obtain residency or Costa Rican nationality. Generally speaking they face financial, cultural and structural barriers that prevent them from obtaining the documents they need in Nicaragua, or finding their way through the interminable Costa Rican bureaucracy. This situation has serious implications for the exercise and enjoyment of human rights, as indicated below:

a) Overcrowding in precarious settlements in the metropolitan area.

b) The social assistance programmes run by IMAS, which are intended for women living in vulnerable conditions, do not include women of Nicaraguan origin as subsidy beneficiaries.

c) Obtaining housing in precarious settlements nearly always involves intermediation by unscrupulous individuals who charge women fees for access to occupied land.[19]

d) Nicaraguan immigrant women are constantly being evicted for illegal occupation, which tends to be viewed a double illegality given their migratory status. Many of these women have children born in the country, which makes them

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[18] For example, 51.7 per cent of sick children of immigrant mothers have received medical attention. In addition, over 95 per cent had been vaccinated against tuberculosis, 80 per cent against polio and DPT, and 75 per cent against measles. See Chen Mok, Mario, et al, op.cit., pp.145 and 164.

[19] A study carried out in « La Carpio » in 1998 revealed that Nicaraguan women heads of household had paid up to c88,000.

Costa Rican citizens, but this is not always taken into consideration by the authorities.

e) Immigrants living in precarious settlements pay for water and electricity services on the basis of each electrical appliance they possess. This distribution of utility charges causes major conflict within the community. In the case of the Nicaraguan immigrant population, it needs to be remembered that women have historically been responsible for improving conditions of life in the community. Accordingly, it is women in precarious settlements who have to deal with the disputes generated by payment of electricity and water bills on a collective basis.

f) Children of either sex who enter the country illegally with their mothers, do not possess any of the papers that Costa Rican schools require for enrolment. This is one more problem that Nicaraguan immigrant mothers have to overcome.

g) Most Nicaraguan immigrant women face family breakup, since by migrating they are forced to leave their children behind in Nicaragua and work here to provide income for their children through family remittances.

h) Nicaraguan immigrants who complete their studies and may even have technical and professional education, tend to choose lower-skilled jobs in Costa Rica, which puts them in a position of extreme vulnerability.

320. Costa Rican laws do not make any distinction on rights between nationals and non-nationals of legalized status. Non-nationals in an irregular situation do face a number of restrictions, however. Despite this, Costa Rican legislation applies not only to Costa Rican citizens, but to all people living in the country, of any nationality, with documents or without. This holds for rights and also for obligations. Even though a person maybe "illegal" in the country, they can defend their human rights such as respect for physical integrity, respect for human dignity, and the right to receive medical attention in cases of emergency. These rights are not always respected in practice, however, and illegal status tends to be abused and exploited.

321. Several public institutions make their services available to non-nationals. Costa Rica constitutionally recognizes the right to education provided by the State, which means that regardless of migratory status (documented or otherwise), immigrants and their children can study. The Costa Rican Political Constitution establishes that in this country no one can be subjected to discrimination that is contrary to human dignity (article 33, reformed in 1968); and no one can be subjected to cruel and denigrating treatment (article 40). The Constitution also establishes that the State will work to ensure the greatest welfare of all inhabitants in the country (article 50), particularly women and their children (articles 51 and 55), and specially in terms of work, education and health (INAMU, 2000).

322. Thus, for example, the Costa Rican Social Security Fund serves immigrants' needs in situations of emergency and pregnancy. The labour laws cover them without distinction, even in the absence of legal provision. In addition, Decree 26634-SP, of 9 January 1998 reduced the guarantee deposit for domestic workers applying for residency – a measure that was introduced to facilitate their labour-market participation and reduce their vulnerability.

323. Given their gender status, immigrant women are exposed to rights violations, such as sexual harassment, abuse and rape by men in their travel group, and also by

family members and migration staff, and in the workplace. They are vulnerable to exploitation at work, through low pay and poor working conditions. Many also have economic responsibility for their family, either in their country of origin or in the host country, which forces them to tolerate conditions of exploitation.

324. Figures from the 2002 Census revealed the presence of a large population of Nicaraguan women, most of whom had children born in the country. Many of them arrived intending to stay and are now making a major contribution to the socioeconomic development of the country. Costa Rica needs to define a migratory policy that is sensitive to gender differences and takes into account the gender status of Nicaraguan women, along with other irregular migrants whose rights also need protection.

Article 10:
Equal rights in the domains of culture, education and training

Article 10: States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

d) The same opportunities to benefit from scholarships and other study grants;

e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

g) The same opportunities to participate actively in sports and physical education;

h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Access to education and training

325. According to the seventh State of the Nation Report, women generally display greater or very similar participation in formal education systems from the earliest school levels. Men have lower attendance, lower coverage and higher drop-out rates (State of the Nation Project, 2001). The literacy indicator, estimated by an individual's number of years of schooling, reveals no significant differences between men and women, and this undoubtedly reflects conditions of equity.

326. As can be seen in the summary indicators table (annex 1), the gender differential in the net coverage rate at secondary school (difference between the share of girls and boys in the total enrolment), favoured girls by 4.6 percentage points in 1997, and by 4.9 points in 1999 and 2000. The equivalent differential in drop-out rates also benefited girls, with more boys dropping out of school in each year at all three levels. The largest differential was in the second and fourth academic cycles, where the gender gap amounted to 2.7 points in 1999.

Women in higher State education

327. Women's access to tertiary (higher) education displays significant progress, with 12 women enrolled for every 10 men in State universities. Nonetheless, participation differences remain across educational institutions in terms of study areas (National Board of University Chancellors - CONARE, 2000).

328. The seventh State of the Nation Report (State of the Nation Project, 2001) shows that women accounted for over 50 per cent of the enrolment in State universities, although some degree of segregation was detected in terms of area of training. This remained stable during the 1990s at around 15.5 per cent, and represents moderate segregation, given that women are slightly over 50 per cent of all university students.

329. In terms of educational institution, the Technological Institute of Costa Rica (ITCR) is clearly dominated by male students (35 women for every 100 men), whereas the State Distance University (UNED) mainly serves women, who outnumber their male counterparts by almost two to one. As ITCR specializes in scientific and technological careers while UNED mainly offers courses in business administration and education, this implies segmentation in professional training which is then reflected in labour-market participation.

330. An area such as engineering tends to exclude women, both in enrolment and in graduation. Graduation from programmes in basic sciences shows that these courses are typically frequented by men, despite a slight increase in female admissions. Areas such as arts, literature and education, are typically frequented by women.

Table 8

State university graduation : ratio of women to men by study area 1990, 1995, 1996-1999

Specialized posts	*1990*	*1995*	*1996*	*1997*	*1998*	*1999*
Basic sciences	42.9	55.9	49.2	57.4	57.5	55.0
Social sciences	108.7	102.5	83.6	85.7	97.6	106.0
Education	334.5	329.0	332.5	351.9	386.7	369.0
Natural resources	30.1	35.1	30.0	23.3	32.9	34.4

Specialized posts	*1990*	*1995*	*1996*	*1997*	*1998*	*1999*
Engineering	22.1	22.2	18.1	17.4	16.8	24.4
Health sciences	165.9	124.7	144.5	138.9	145.8	132.6
Medicine (human and veterinary)	87.3	55.4	92.0	74.9	86.7	64.2
Other health careers	298.8	365.7	288.0	303.2	279.8	316.5

Source : IINEC-MTSS. Households and General Purposes Surveys (various years).

331. It is worth mentioning that there has been no significant change in the proportion of men graduating from so-called "female" careers, but a slight increase has been seen in the percentage of women graduating from traditionally "male" courses: 23 per cent in 1990 and 27.4 per cent in 1999. This reflects women's participation in basic sciences (above 30 per cent), an area that encompasses careers such as biology, statistics, mathematics and computing, among others. The high figure recorded in 1995 was also attributed to the fact that while medicine was classified as "male" women had quite a significant participation, accounting for 35 per cent of the graduation – very close to the 40 per cent quota established to qualify as inclusive. This career also qualified as inclusive in other years.

332. Differences were also seen in areas of training in technical secondary education: women showed a marked preference for services (the ratio of women to men in the enrolment was above 200 per cent), and men tended to enter the agricultural and industrial sector, where the ratio was only 60 per cent.

333. Out-of-school technical specialization, measured by participation in training actions run by the National Apprenticeship Institute (INA), displayed greater segregation, on the order of 21 per cent. When compared to the proportion of women participating in these programmes (about 45 per cent), the degree of segregation was more significant (State of the Nation Project, 2001).

334. These segregation levels lead to low female representation in the science professionals group. Between 1988 and 1999, the National Science and Technology Council (CONICIT) recorded a slight improvement in gender participation in scientific professions: 2.2 percentage points higher at the end of the 1990s. Nonetheless, this improvement started from a very low base level of 34 per cent. It should be recalled that women represented 47 per cent of the professional and technical category in the labour force (State of the Nation Project, 2001).

Gender equality and equity in the University of Costa Rica (UCR 2001)

335. Throughout the history of the University of Costa Rica, careers traditionally considered to be female, such as teaching and nursing, have attracted little or no male enrolment – reflecting social prejudices and trends. The absence of men or women from any type of activity is a form of gender discrimination. It also encourages a division of society into segregated spaces, defined on the basis of prejudice and male-female stereotypes, where certain domains and activities are

more highly valued than others: public above private, productive above reproductive, traditionally masculine tasks, above those considered feminine.[20]

336. During the second half of the twentieth century the University of Costa Rica worked to promote a more equitable society in gender terms. At the present time, women's enrolment in this higher education centre slightly exceeds that of men, and there is no career in which there is no female participation. Nonetheless, out of a total of 48 Schools[21] there are still 20 in which women accounted for under 40 per cent of the total enrolment – essentially in the areas of engineering and basic sciences. These involve careers relating to traditionally male activities, and those involving logical thought with a heavy mathematics component. At the other extreme, there are another 15 schools in which male enrolment was under 40 per cent. Most of these are in the areas of health and social sciences, in particular, together with care-giving and teaching activities traditionally associated with supposed female skills or characteristics. On the other hand, there is substantial gender balance in scholarship awards, with women receiving of 53 per cent of the total.

337. In the teaching sector, where 52 per cent are women, the trend is similar with the same area imbalances, although somewhat more acute. In five out of 81 academic and teaching units the teaching body was exclusively male, and in four exclusively female; while in just 24 units the proportions of teachers of each sex were between 40 per cent and 60 per cent. There is a similar situation in relation to participation in research: although women represent 44 per cent of teachers participating in these activities, the male and female populations were distributed according to traditional areas. In this sector there are other imbalances that are also negative for women: three out of every four teachers with doctorates are men, while women account for about half of those holding degrees at the Licenciatura level, and 42 per cent of those with Masters degrees. In relation to the academic regime, here too three out of every four teachers of professorial rank are men. In contrast, women account for 39 per cent of the associate, 43 per cent of the adjunct, and 31 per cent of the instructor categories. In each of the ranks in the academic regime, women display a higher rate of postgraduate studies than men.

338. The most acute imbalance occurred in the administrative sector, where women represented 43 per cent of total staffing. Out of a total of 151 types of post there are 61 in which only men are hired and 12 in which only women are employed. We found 20 in which employment was somewhat more gender-balanced. As many as 25 per cent of male administrative workers were in posts in which no woman was employed, including 48 messengers, 30 chauffeurs, 19 store managers, 12 traffic inspectors, 59 maintenance operators and 69 agricultural workers.

339. Women had a 36 per cent share of posts in the formal decision-making structure established by the university authorities, which is below the minimum desirable level. The most serious deficits occur in the management of research centres (six out of 22), in the administration of Masters degrees (20 out of 55),

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[20] In terms of equity, the aim of achieving a similar presence of both sexes in any activity cannot always be turned into an immediate target. In order to approach this ideal, however, the global consensus requires the presence of both men an women to be no less than 40 per cent and no more than 60 per cent.

[21] This figure includes the 43 official Schools plus the Faculties of Pharmacy, Odontology, Microbiology, General Studies and Law, which are not divided into schools.

heads of administrative offices (six out of 18), and representation on the University Council (three out of 11). In contrast, three of the five Vice-Rectorships are held by women, together with 40 per cent of the 45 school administrative boards, and half of the boards of the 12 Research Institutes – including the Engineering Research Institute, for the first time. Most of these decision-making posts are subject to election, but the fact that women achieved greatest presence in Vice-Rectorships, which are appointed by the Rector, shows that overcoming gender inequity in this field is a challenge facing the institution as a whole, and not simply a responsibility of the top authorities.

340. The achievements of the University of Costa Rica in over 60 years' existence have been considerable. In general, the presence of men and women in the three sectors is relatively balanced. Access is most equal in the award of scholarships, participation in research and the academic regime, teaching load, and incumbent posts. This means that the major barriers present at the inception of this higher education centre have now been overcome. Nonetheless, deeper analysis shows that there are still areas and activities of persistent gender discrimination that society at large has not yet managed to overcome, and one of these is decision-making.

341. There is also greater sensitivity in the University of Costa Rica and greater openness towards the theoretical positions, practices and demands of women in pursuit of gender equity. The work of the Interdisciplinary Programme on Gender Studies (PRIEG), today known as the Centre for Women's Research and Studies (CIEM), and the Central American Masters Degree in Women's Studies UNA/UCR, have played a key role in introducing innovative and stimulating perspectives to this seat of learning, which were unheard of in the academic world only 15 years ago.

342. The university domain has provided a major space for broadening women's opportunities not only in terms of access to the various disciplines, but also in terms of management posts. An example is Universidad Nacional (UNA), which is the only higher education institution in the country in which the top management post has been held by women in two periods. At this university, women have provided approximately 40 per cent of all teaching staff in recent years (UNA, Programming Office).

343. In terms of admission and permanency in higher education, the Gender Equity Office in the Technological Institute of Costa Rica (ITCR) has conducted research and consultation activities to identify possible gender biases in these processes. As a result of this work, a review was made of the range of courses offered (Ruiz, 2001).

Article 11:
Equal access in employment

Article 11:

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

a) The right to work as an inalienable right of all human beings;

b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

f) The right to protection of health and safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Greater labour-market participation by women, but in conditions of disadvantage

344. Women in Costa Rica show a rising net rate of labour-market participation and are accounting for an ever larger share of the labour force. Since 1995 the female economically active population (EAP) has grown faster than its male counterpart (19.1 per cent, compared to 10.2 per cent) and also faster than the total employed population (18.6 per cent compared to 10.4 per cent). Nonetheless, their participation involved relatively more open unemployment than was the case among men. In addition, women were more affected by total underutilization, as open unemployment was reinforced by a shortened working day against their will (visible underemployment) and because of insufficient pay (invisible underemployment) (State of the Nation Project, 2001).

345. It is also more frequent that women's economic labour is partially concealed by underdeclaration or because they carry out activities that are not counted in the employment figures, such as primary activities for self-consumption. Hidden

employment rates reflect this gender disparity, because in 2000 hidden unemployment among men amounted to just 2.3 per cent but affected 5.1 per cent of all working-age women (State of the Nation Project, 2001).

346. Female labour-market participation could be greater if women were able to overcome the limitations imposed by their gender. Women considered economically inactive more often claimed that they were unable to work owing to family or personal obligations: there were only two men for every 100 women citing this as a restriction on entering the labour market (State of the Nation Project, 2001). The bias against women can also be seen among of employed persons, with 30 men for every 100 women claiming that they could not increase their working hours because of family or personal obligations. In this case the limitations faced by women probably relate to the family domain (carrying out domestic chores), while for men personal motives such as study are likely to be more frequent.

Differential participation by sectors of economic activity

347. The distribution of labour-market participation by activity sector reveals gender differences. Whereas men mainly work in the primary sector, women are employed most frequently in social and personal services, then in commerce, and thirdly in manufacturing industry. Men are also employed in commerce, personal and social services and in manufacturing industry, in relatively similar proportions in three branches of activity, which means that women are more heavily concentrated in tertiary activities, as shown in Table 9.

Table 9

Gender distribution of the labour force by activity sector, 1999

Activity sector	*Total*	*Men*	*Women*
Total	100.0	100.0	100.0
Agriculture	19.6	26.8	4.9
Manufacturing and mining	15.9	15.4	16.7
Electricity, gas and water	1.0	1.3	0.3
Construction	6.5	9.6	0.2
Commerce	20.7	17.6	27.0
Transport, warehousing, communications	5.6	7.5	1.7
Financial institutions	5.0	5.1	4.7
Community and social services	24.5	15.6	42.4
Not specified	0.5	0.6	0.5
First time job seeker	0.9	0.6	1.5

Source : INEC-MTSS. Households and eneral Purposes Surveys (various years).

348. As shown in the foregoing table, women were mainly concentrated in personal, social and community services (42.4 per cent) and in commerce (27.0 per cent).

349. It is common knowledge that much of the work done by women in the agricultural sector takes the form of hidden employment, particularly since primary activities for self-consumption are not declared. Accordingly, the relative

importance of women in agricultural activities is probably understated (Trejos, 2000).

Narrowing wage differentials between men and women

350. Differences between men and women were also visible in the incomes earned in wage-earning jobs. Gender wage gaps which are unfavourable to women seem to be narrowing for the wage-earning population as a whole, although in 1999 once again women received a lower average hourly wage. The trends favouring women were not evident at all levels of hours worked, however, nor at all levels of instruction or in all occupational groups (State of the Nation Project, 2001).

351. Considering the number of hours worked, women did not exceed the hourly wage received by men by working more than a full working week (over 48 hours), although the average hourly wage they receive in work-weeks ranging from part time (24 to under 36 hours) to full-time (from 36 to 48 hours per week) was in their favour. This is mainly because the proportion of professional and managerial workers among women who work those hours, was considerably higher than the equivalent percentage among men. In 1999, 25 per cent of women working for half the week were professionals or managerial workers, compared to just 12.8 per cent of men who worked half-time. Similarly, 28 per cent of women working full-time were professionals or managers, compared to 15.7 per cent among men. In terms of education level, there were similar relations among university trained wage-earners.

Table 10

Average hourly wage for women relative to men, by level of education 1990, 1995, 1996-1999

Education level	*1990*	*1995*	*1996*	*1997*	*1998*	*1999*
None	67.6	73.3	94.1	92.3	68.2	73.7
Primary incomplete	71.3	79.5	79.6	77.6	80.7	82.0
Primary complete	77.1	78.1	83.5	82.0	81.8	80.4
Secondary incomplete (tech. & acad.)	74.4	78.8	86.1	87.8	87.2	81.6
Secondary complete	85.6	85.1	81.8	89.4	87.8	78.4
Technical secondary complete	91.0	82.5	91.8	107.7	100.0	87.4
Para-university	91.2	84.6	64.9	97.4	86.6	77.1
University	76.4	84.5	81.4	91.7	91.3	85.4

Source : INEC-MTSS. Households and General Purposes Survey (various years).

352. Obtaining higher qualifications has not brought women up to the average hourly earnings of men with the same levels of schooling, but it has made it possible to narrow the gaps. For women with university training, the ratio was 85 per cent in 1999 and 76 per cent in 1990. On the other hand, in 1997 and 1998, women with technical secondary education completed (which signifies a certain level of skill) earned a higher average hourly wage than men.

353. In managerial posts the hourly wage ratio by gender was 95 per cent, which represents progress in terms of wage recognition for this group compared to the start of the decade when the figure was just 80 per cent. In 1998, the ratio surpassed 100 per cent. The professional and technical group also displayed wage ratios above 100

per cent in 1997 and 1998, but in 1999 the figure fell back to 87.3 per cent, which is still higher than in 1990. The figures show a tendency for wage disparities to narrow.

354. In all other occupational groups except for "administrative employees" the hourly wage ratios between women and men increased in varying degrees. Administrative staff, on the other hand, seem to have lost ground in terms of closing gender gaps, with the ratio falling from 99 per cent to 88 per cent between 1990 and 1999.

355. Despite narrowing wage gaps, differentials continued to affect a larger number of women because some of the lowest wage ratios occurred in jobs in commerce and personal and social services – sectors in which much of the female labour force is concentrated. This is clearly where the bulk of badly paid jobs are found, and they are also least protected in terms of basic labour rights (Fernández, 2001).

Gender segregation in jobs

356. The labour market is segmented by gender into typically female and typically male occupations. Nonetheless, men have gained greater presence in traditionally "female" occupations than women have in "male" ones. Whereas 19 per cent of men worked in jobs dominated by women, 12 per cent of women did so in jobs dominated by men (State of the Nation Project, 2001).

357. In terms of occupational group, the segregation indicator was on the order of 25 per cent during the 1990s, which is high in view of the fact that women have accounted for about 32 per cent of all employed people since 1998. This means that to produce a balanced occupational structure nearly all women would need to change their job (State of the Nation Project, 2001).

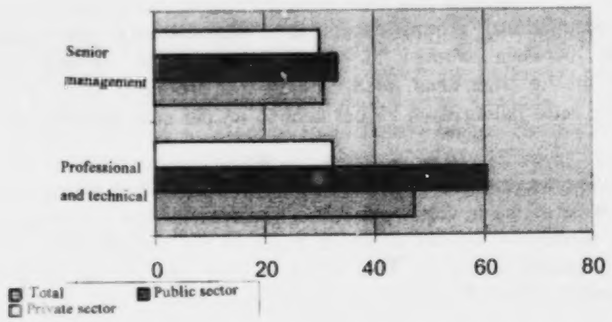
358. As the country moves towards gender equity, job categories need to become more "inclusive". This does seem to be happening, albeit slowly, because the four groups considered as inclusive in 1990 had grown to nine by 2000. Jobs relating to architecture, engineering, natural resources, specialized sales, electricity and graphic arts, among others, are all highly exclusive of women, for which reason they need special attention (State of the Nation Project, 2001).

359. Figures provided by the 2000 Census confirmed the gender segregation and inequality in the Costa Rican occupational structure. Of the 107 occupational groups examined by Pilar Ramos (2002), only 38 were classified as female, and nine were considered "inclusive".

Women have major presence in specialized posts

360. In contrast to women's scant access to "male" occupations, they have gained ground in specialized posts, i.e. as professional and technical workers and managers. Women accounted for nearly half of all employed professional or technical workers, particularly in the public sector (State of the Nation Project, 2001).

Figure 2
Percentage of women in specialized posts by institutional sector, 1999



Source : INEC-MTSS. Households and General Purposes Survey (various years)

361. The high percentage of professional women in the public sector does not necessarily reflect an explicit desire among women to occupy such posts. It could well be because the combination of high responsibility and lower pay is something that women accept more readily than men, in exchange for greater employment guarantees and respect for working hours enabling them fulfil reproductive roles in their homes. Men, on the other hand, prefer the higher wages paid by the private sector in specialized jobs, even though this may interfere with their personal and family lives.

362. Women held just under one third of all managerial jobs in the public and private sector. Thus, although there are many professional women, decision-making posts are still more likely be held by men.

363. Although women increased their share of specialized jobs, even within the public sector, participation was clearly unequal in institutions such as the Ministry for Security, or the prison service. Here not only are men the majority, but the predominant organizational forms are tailored to their conditions and needs.

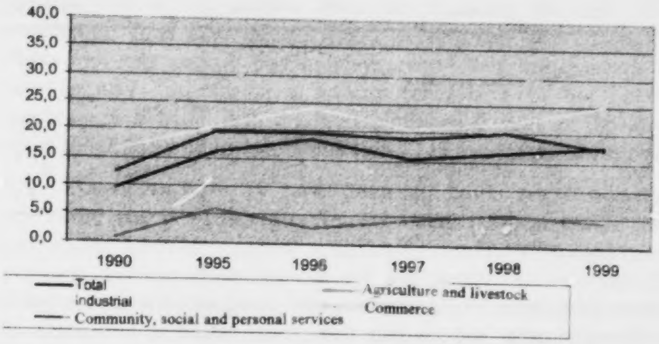
Participation by women in business ownership

364. Access to capital, measured by ownership of business establishments employing between one and nine workers, displays less female presence. Nonetheless, this figure has been on a rising trend during the decade, climbing from 9.6 per cent in 1990 to 17.7 per cent in 1999. Growth was particularly noticeable among women employers in the rural area (State of the Nation Project, 2001).

365. Rather than agricultural activities, it was manufacturing (in establishments of between one and four and from five to nine employees) and commerce (in establishments with between one and four employees) that grew mostly in the rural area. This reflects the new opportunities that have been created for women outside the primary sector.

Figure 3

Percentage of women employers, by activity sector, 1990-1999



Source : INEC-MTSS. Households and General Purposes Survey, various years.

366. In addition, women's job-creation capacity in establishments employing between one and nine workers increased in relation to that of men, rising rose from 10 per cent to 21 per cent during the 1990s, with specially strong growth in commerce and manufacturing industry. Thus, not only did the percentage of women employers increase, but they also managed to increase their share of job creation (State of the Nation Project, 2001). By geographic zone, the women's relative capacity to generate jobs was greater in urban areas, but the ratio also increased in the rural sector.

367. Women's growing productive capacity needs to be strengthened, particularly among those from low-income groups, as a way to make poverty reduction actions more effective. It has been pointed out that despite these achievements, poverty continues to affect female household heads relatively more severely. This is because women entrepreneurs running the most productive establishments mainly belong to the high- and middle-income strata, while those running subsistence or marginal businesses tend to come from middle- and low-income households (Trejos, 2000). The high economic level of the former group provides them with greater opportunities to make major investments in the business. Accordingly it is reasonable to suggest that appropriate financial support and technical assistance could enable lower-income women entrepreneurs to increase their productivity and level of well-being.

Women in informal work

368. Women overall are relatively more represented than men in low-productivity sectors. Men are mainly located in what has been referred to as "simple accumulation" and have greater presence tha women in the "expanded accumulation" stratum; in other words despite being lower-productivity sectors they have the potential for accumulation and to become productive small businesses. Women on the other hand dominate the subsistence and domestic chores strata (State of the Nation Project, 2001).

Table 11

Percentages of total employed population in low-productivity sectors by stratum and sex, Costa Rica, 2000

Stratum	*Men*	*Women*	*Difference*
Total	25.4	41.0	-15.5
Extended accumulation	5.5	3.9	1.6
Simple accumulation	13.1	9.8	3.3
Subsistence	6.5	12.8	-6.3
Domestic chores	0.4	14.5	-14.1

Source : State of the Nation Project 2001.

369. The increasing flow of women into precarious and unregulated activities, such as self-employment, microenterprise and maquila industries, linked to processes of globalization and openness, is blamed by women's organizations for their deteriorating quality of life and, consequently, violation of women workers' rights.

Unpaid domestic work

370. Reproductive tasks that are largely performed by women are not counted in the system of national accounts. In an attempt to make the contribution of this type of work to national output visible in monetary terms, since 1996 the State of the Nation Project has been conducting a study to estimate its value. Given the lack of a use-of-time survey in Costa Rica, difficulties in calculating the time allocated mainly by women to household tasks prevent this indicator from being estimated more precisely. Nonetheless, despite methodological limitations (see State of the Nation Project, 1998, fourth report), the exercise correctly gives the lie to the belief that women engaged in reproductive work make no contribution to the national economy.

Table 12

Unpaid domestic work as a percentage of GDP, 1995-1997

Value of domestic work as a percentage of GDP	*1995*	*1996*	*1997*
New national accounts (5th manual)	9.4	10.6	10.5
Unadjusted GDP (original calculation)	12.13	13.77	14.07

Source : Sanchez, E., State of the Nation Project, 2002.

371. For the years in which information is available (see annex 1), the value of this indicator fluctuated between 12 and 14 per cent of GDP. With the recalculation of national accounts indicators made by the Central Bank in 2000, all GDP ratios decreased, since national output was previously being undervalued by about 30 per cent. As a result of the adjustment, the value of domestic work was assigned a new range of between 9 and 10 per cent of GDP. It is worth mentioning that the Ministry of Labour and INAMU took up the initiative in 1999, proposing a better methodology and embarking on a re-estimation of the indicator.

Paid domestic work : an extension of female domestic duties

372. Wage-earning domestic work, which is carried out almost exclusively by women, is undervalued as a productive activity. The employment regime that governs this activity differs from that covering the rest of the female working population. It is discriminatory and exceptional, and consists of 12-hour working days, with rest periods and holidays cut in half, and a single weekly rest day that may or may not fall on a Sunday (chapter 8 of the Labour Code). It is the employment activity with the lowest minimum wage in the private sector, currently set at to 47,963 colones per month (US$ 143.60) (State of the Nation Project, 2001).

373. Women engaged in paid domestic work are systematically excluded from healthcare and pension rights, by not being reported in the employment protection and social security regimes – basically insurance against workplace hazards and pensions covering disability, old age and death. In December 2000 as few as 7,514 female domestic workers were reported as contributing to insurance against disability, old age and death. This was slightly down from November and October when the equivalent figures were 7,617 and 7,607, respectively. Although small, this reduction bears no relation to the labour-market reality in this sector. (Statistics on Employers, Workers and Wages. CCSS Actuarial and Economic Planning Office, 2000). The number of workers insured is less than 10 per cent of the 80,000 female domestic workers projected by the National Association of Domestic Workers (ASTRADOMES) for 2000. In relation to insurance against workplace hazards, a survey carried out by the Association of Female Domestic Workers (ASTRADOMES) found that on average only 200 people per year have this coverage (Office of the Public Commissioner, undated).

374. Conditions of disadvantage are even more severe among Nicaraguan migrant women, who are mostly employed in domestic service; their illegal status and ignorance of labour rights encourages their employers to disregard the legislation.

375. This failure to record a broad sector of employment also has effects on the Treasury, given the evasion it implies. In 1999, the Women's Commissioner valued this at 5.2 billion colones, based on the then prevailing wage of 37,000 colones per month, 51,232 non-contributors, and an employer contribution of 0.23 (Office of the Public Commissioner, undated).

376. An action for unconstitutionality was filed because of the differences between the employment regime for domestic work and that covering the rest of the female working population, in contravention of the principle of equality. The suit was overruled, however, on the grounds that this was a Special Regime (Constitutional Chamber, Vote 327-91). Subsequently, a reform was tabled in the Legislative Assembly, and approved in 1997 under Procedure 7680, which brought the domestic work employment regime closer to the minimum labour standards prevailing in the general legal system. Nonetheless, given that the same law also made reforms to the employment regime for minors, setting a 12-year minimum working age, in contravention of the Convention on the Rights of the Child, the Office of the President of the Republic vetoed the bill on 24 July 1997 at the behest of the Public Commissioner's Office.

Labour rights

377. The public sector is characterized by the employment stability that covers most of its female working population. Nonetheless, the Public Commissioner's Office

has found that not everyone enjoys this benefit. Pregnant women are particularly vulnerable in this regard, and it is they who most need protection and insurance during the pregnancy, childbirth and breast-feeding periods, both for themselves and for the child they are bringing into the world (Office of the Public Commissioner, Progress Report 2000-2001).

378. For the Public Commissioner's Office, dismissal of women from their jobs because they are pregnant, or non-renewal of employment contracts for that reason, shows a total lack of consistency between what is preached about the importance and sublime nature of maternity, and what is practised. Although seldom openly and publicly acknowledged, there is a perception that a pregnant woman is an expense to her employer; and this point of view prevails in a number of State institutions.

379. The Public Commissioner's Office is continually being consulted on the labour rights of women who are pregnant; and it frequently receives complaints from female temporary workers who lose their jobs when they become pregnant, with various mechanisms being used for this. The Public Commissioner's Office has dealt with many cases in which women who have enjoyed temporary job contracts on an ongoing basis, are suddenly unable to renew when they become pregnant. In other words, the administrative dynamic that allows posts to be filled on a temporary basis because the incumbent worker is on holiday, or is sick, or has some other form of leave, rules out using pregnant women as replacements.

380. Clearly the system does not want to replace an incumbent in a job with someone who eventually may also have to take legal leave. Is also clear that exclusion is caused by pregnancy, because otherwise these women would have been able to continue taking temporary jobs as replacements. Despite these considerations, however, the real chances of an investigation being able to prove the extent of this administrative attitude faces several obstacles: Management can claim (as it has done before the Public Commissioner's Office already) that it does not have any vacancies to justify continuing to employ a pregnant women who is now unemployed. If this type of appointment is based on administrative discretion, it is clearly difficult for the Public Commissioner's Office, as an oversight body, to decide which replacements are necessary and which are not.

381. In this type of case when it is impossible to prove the existence of temporary vacancy, the Public Commissioner's Office cannot force an employer to appoint a pregnant woman to do a replacement. Nonetheless, even when the temporary appointment of a pregnant woman expires and she is no longer needed, or management cannot or does not want to renew her contract, the latter can still be required to find a means of paying the legal employer's contribution corresponding to maternity leave, provided the women has now entered the maternity leave period. Such a measure would guarantee the protection regime for the pregnant worker, at least on a monetary level.

382. Criteria relating to the labour-market status of pregnant women are based on the constitutional and legal framework of the Protection Regime for Pregnant Women, in which their exclusion from the regime covering women who have temporary or unstable jobs is classified as gender discrimination. As this is a widespread practice in a male-dominated society, it affects general attitudes towards work and maternity, which are seen as dichotomous and mutually exclusive.

383. There are also situations in which the distinction between maternity and sick leave is unclear. Specifically, when a woman suffers a miscarriage without reaching full term, after six, seven or eight months' pregnancy, it is unclear which type of leave should be granted to her. Some suggest one week's sick leave, subject to renewal; others believe it should be maternity leave reduced by half, in other words 1½ months. This issue is clearly one of the priority areas for institutional work in defence of women's rights.

384. Another labour-market issue frequently brought before the Public Commissioner's Office's concerns the situation of women who enter job categories that are traditionally male-dominated. An example are women police officers, who have complained about various types of discrimination relating to roles, allocation of hours, promotion, training, sexual harassment and others (Office of the Public Commissioner, Progress Report 2000-2001). The Public Commissioner's Office takes the view that the issues complained about can only be analysed in terms of a space that has been conceived for men and occupied predominantly by them; and that to date, there is no institutional policy recognizing the reality of women in police institutions. Given the absence of a comprehensive policy, the institutional replies given by the Ministry of Public Security concerning the situation of women police officers will continue to be ad hoc and individual. But the problem will soon overwhelm the system, especially since the number of women police officers is growing on a sustained basis. Currently there are about 400 women in the police force.

385. A comprehensive policy should take gender differences between men and women into account in decision-making, bearing in mind the redefinition of the principle of equality, on which the Constitutional Chamber has ruled on many occasions. For example, Resolution 1770-94 stipulates:

> "The principle of equality, contained in article 33 of the Political Constitution, does not mean that equal treatment must be given in all cases, regardless of the possible relevant legal distinctions that may exist ... equality, as this Chamber has stated in the past, is only violated when inequality lacks an objective and reasonable justification..."

386. The general rule is for equality in applying the rights and duties established in the legal instruments governing the forces of law and order. Nonetheless, a faithful application of the concept of equality would consider objective and reasonable differences between men and women, to ensure that necessary functional steps are taken to avoid any form of discrimination between persons of different sex. Accordingly, the specifics of what it means to be a woman working as a police officer need to be identified and taken into account when interpreting and applying the regulations.

387. For example, when allocating working hours, consideration could be given to whether the woman is a household head with young children, without additional family resources to look after the children at night on a consecutive basis. These are circumstances that could and should be valued within the limits of institutional possibilities. It is interesting to note the view expressed by Alda Facio (1992) that "... if we really understand women and men as being EQUALLY different, we will not view pregnancy, childbirth, menstruation, menopause and so forth, as phenomena that cause women to behave differently from the male human paradigm, such that the problem arises because women diverge from that model. On the

contrary, we need to understand the problem in terms of a society that often ignores the fact that women and men have different needs, and that these needs are equally valid. Thus, for example, the problem is not that women who work outside the home become pregnant; the problem is that paid work is designed and structured for people who do not become pregnant."

388. Some of the situations cited by policewomen should be considered in formulating an institutional policy. This should start by identifying gender differences and redesigning a number of aspects, such as:

- The work that is assigned to women in the police structure, given the tendency to subordinate their tasks to those traditionally assumed by women in the home;
- The lack of suitable infrastructure for women;
- The differential treatment they receive with regard to promotion and training courses, compared to their male colleagues; and
- Sexual harassment.

389. The Public Commissioner's Office recommended to the Deputy Minister for Public Security and the top hierarchy of the police force, preparation of a police-force policy dealing with the specific needs of women in the force. This would provide the institution with clear and concrete guidelines and rules to standardize decision-making on this issue. The recommendation was accepted by the institution, and an adviser was appointed to assist the top management of the public police force and the Comptroller of Ministry Services to prepare a draft public policy on women police officers. The Public Commissioner's Office will give technical support to the project, for its execution and materialization in programmes and actions to decisively strengthen the strategic participation of women, and uphold and guarantee their rights within the police system.

Inter-institutional commission on the labour rights of women

390. The various forms of inequality and discrimination faced by women in the labour market, the reproduction of working conditions that diminish their quality of life in general, sexual harassment, the existence of laws that legitimize unequal treatment, the absence of regulations on the performance of work that women in particular undertake, and the existence of exceptional regimes (such as the one covering domestic workers) which do not match the human rights of other workers of either sex, among other things, justified the existence of and work to be done in the Inter-Institutional Commission on the Labour Rights of Women. This consists of the Public Commissioner's Office, INAMU, the Ministry of Labour, ILO, the United Nations Latin American Institute for the Prevention of Crime and Treatment of Offenders (ILANUD) and NGO representatives. Collaborative work is planned to analyse employment conditions in productive sectors where there is significant female participation; the repercussions of labour-market participation on their quality of life; the drafting of legal proposals; formulation of guidelines on public policies affecting labour rights; and identification of oversight mechanisms to guarantee respect for human rights in the workplace.

391. The Commission's aims imply work over the medium and long term, mostly involving profound changes of an economic, ideological and legal nature. Some legal reform proposals entail complex work to convince and negotiate with deputies

of both sexes, as has been the case with bills relating to chapter VIII of the Labour Code in relation to female domestic workers, and reforms to the Act on Sexual Harassment in the Workplace and in Education. Both bills remain to be approved, and pushing them through will clearly be one of the Commission's priority tasks.

392. Over the past year, the Commission has mainly been occupied with the specific activities of its constituent institutions, especially those with labour-market functions and responsibilities; so the aim for the current year is to make further progress in the project to regulate night-shift and maquila work, parental leave, and the activities of female agricultural workers.

Women living in poverty

393. Despite the fact that labour-market participation (i.e. economically recognized work) by women offers them the chance to overcome poverty, in Costa Rica poverty is becoming increasingly "feminized". In other words, women are more exposed to forms of poverty that affect men relatively less:

- Women are disproportionately represented among the poor, as mentioned in the first part of this report.
- This disproportionate representation of women is steadily increasing – the feminization of poverty is a process, not simply a state of affairs that exists at a particular historical juncture.
- No single welfare function exists that can be applied trouble-free to all members of any family unit: "one member of a domestic unit may be poorer than another in many respects: certain members may receive less to eat, their health may be worse, they may receive less attention in health and education, they may wear poorer clothing, enjoy less recreation and free time, and they may have less say over how the family income is spent" (Anderson, 1994:15).

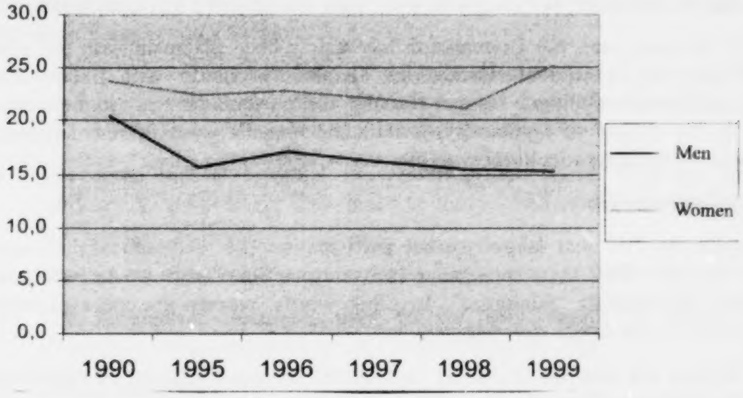
394. The feminization of poverty acts as a constraint on personal development, and thus undermines equal opportunities between men and women. The main problems faced when studying female poverty are, firstly, the multiplicity of measurement methods and data sources; and secondly, the peculiar fact that female poverty is notable by its absence from many data sources (INAMU, 2000).

395. The figures available from the Households and General Purposes Survey (EHPM) support this general concern, because for the different dimensions analysed, female heads of household have higher poverty rates than men, and the difference has been visible throughout the 1990s. Differences in the household poverty rate according to the sex of the household head have widened significantly, tripling the gap that existed at the start of the decade. This results mainly from a sharp increase in the percentage of poor female household heads in 1999, which produced the largest differential of the decade at nearly 10 percentage points (State of the Nation Project, 2001).

396. A note of caution should be sounded here. When studying the phenomenon using statistics on the sex of the heads of poor households, there is a risk of concluding that female headship is becoming a cause of poverty among women. The fact of being the head of a household does not directly lead to poverty, but rather accentuates the risk of becoming poor.

Figure 4

Poor households by sex of household head, 1990-1999
(Percentage of all households)



Source : INEC-MTSS. Households and General Purposes Survey (EHPM), various years.

397. It is worth mentioning that the EHPM sample was altered in 1999 by applying a new sampling framework generated from the latest cartographic update for the 2000 censuses. This could generate a higher value for the percentage of households living in poverty than would have resulted from the sampling framework used in previous surveys (State of the Nation Project, 2001). Nonetheless, it is the percentage of female heads of household which displays a major increase, while the figure for men remained constant, and this suggests that the new sample reflects the growth of settlements, particularly in the urban area, of poor households where female heads of household are increasingly prevalent. Even excluding the 1999 figure, the experience of the 1990s seems to reinforce the perception that "poverty in our country has a female face".

398. Differentiation by age groups shows that it is young female heads of household (34 years of age or younger) that are most susceptible to poverty and extreme poverty, and this is the age group with the largest gap between male and female heads. This is an important point, since these homes have more preschool and school-age children, whose needs are not being fully satisfied; and their chances of a better quality of life in the future may be compromised, especially if the absence of the progenitor means that paternal obligations are not being fulfilled (Ramos, 2001).

399. Single women or female heads of one-parent families are the worst affected by poverty. In 1999, female heads of one-parent families and single person households were the hardest hit by general poverty (29 per cent and 25 per cent respectively). It was also in those homes that the gap compared to male household heads was largest. A significant bias against female heads of single-parent homes, amounting to 8 percentage points, was also found in the incidence of extreme poverty. This value is above the national average (Ramos, 2000).

400. As can be seen in table 13, poverty mostly affected the rural area and regions outside the Central Valley, both in terms of the average of households nationwide, and in those headed by women (State of the Nation Project, 2001).

Table 13

Trends among families living in poverty by sex of household head and place of residence, 1989-1997

Indicator	*Poor families*		*Change between 1989-1997*		*Incidence of poverty*		
	1989	*1997*	*Absolute*	*Percentage*	*1989*	*1997*	*Change*
Total (thousands)	243.5	310.8	67.4				
Total (relative)	100.0	100.0	100.0	3.1	53.7	46.4	-7.3
Sex of household head	100.0	100.0	100.0	3.1	53.7	46.4	-7.3
Male	81.5	78.0	65.7	2.6	53.0	45.6	-7.4
Female	18.5	22.0	34.3	5.3	56.5	49.2	-7.3
Zone of residence	100.0	100.0	100.0	3.1	53.7	48.4	-7.3
Urban	35.5	31.6	17.5	1.6	41.9	33.4	-8.5
Rural	64.5	68.4	82.5	3.9	63.5	66.5	-7.0
Region of Residence	100.0	100.0	100.0	3.1	53.7	46.4	-7.3
Central region	62.6	49.9	40.1	2.4	45.2	37.0	-8.3
Metropolitan Area	18.5	20.7	28.9	4.6	38.3	32.7	-5.6
Remainder of Central Region	34.2	29.2	11.3	1.1	60.1	40.7	-9.4
Chorotega	11.4	10.2	6.1	1.8	70.1	64.0	-6.1
Central Pacific	7.3	6.8	5.6	2.4	63.3	57.2	-6.1
Brunca	13.5	13.7	14.4	3.3	73.2	65.0	-8.2
Huetar (Atlantic)	10.6	13.1	22.1	5.9	61.3	61.2	-0.2
Huetar (North)	4.6	8.2	11.7	6.9	70.7	60.8	-9.9

Source: Trejos (2000). Households and General Purposes Survey of the National Institute for Statistics and Censuses, 2000.

Addressing the needs of poor women

401. The country is implementing a policy to address the needs of women who live in poverty, which, in the opinion of several sectors (Central American Initiative in Follow-Up to Beijing (Costa Rica chapter, 1999)), is a policy governed by social-compensation and expenditure-targeting criteria to the detriment of social investment and the creation of socioeconomic conditions that promote women's social integration. Direct assistance, housing vouchers, microcredit to encourage self-employment, traditional training, lack of technological innovation and the absence of vertical and horizontal integration among economic sectors as a force driving dynamic and profitable market opportunities, are the components underlying this policy, which aims to boost the market capabilities of low-income women as a strategy to overcome poverty.

402. Institutional progress has been made in serving the needs of women, through an explicit programme targeting them – entitled Services for Women Living in Poverty – and incorporation of personal empowerment as a key to enhancing women's subjective autonomy. This process has not been matched by coordinated inter-institutional action giving material and economic sustainability to such

autonomy, and actions in this direction will clearly be insufficient (Central American Initiative in Follow-Up to Beijing (Costa Rica chapter, 1999)).

403 From the INAMU platform, and specifically its Active Citizenship, Leadership and Local Management Area, work has been ongoing to enable women regain their power both as individuals and as a collective body. The aim is that, by exercising their rights as citizens, they will be able to appropriate, control and gain access to economic, social, cultural and political resources at the regional, local and municipal level, under conditions of equality and equity with men (Piedra, 2001).

404 The strategic component on Promotion and Strengthening of Women's Leadership and Participation as Citizens for the full exercise and enjoyment of their human rights, includes the Creciendo Juntas programme. This is one of the national instruments included in the Act on Services for Women Living in Poverty. About 4,500 women participated in this programme in 1999, and some 4,000 in 2000 and 2001 (Piedra, 2001). The programme has various components:

- Personal and Collective Strengthening: the general aim of this component is to implement a training process for women living in poverty, which would enable them to create and internalize affective and cognitive tools to generate personal and collective changes for decision-making in the different spheres of their lives, and to overcome their poverty.
- Technical Labour Training under the auspices of INA: the aim of this is to develop technical training processes of high technological content, consistent with the development of targets in women's life projects, and respecting their interests, needs and aptitudes.
- Labour-Market Participation, under the auspices of MTSS: aimed at supporting women's initiatives in terms of projects to create productive units individually or in groups, with potential for sustainability; and also to support microenterprises already in existence.
- Economic Incentive under IMAS: designed to provide women with an economic incentive giving them a chance to envisage new alternatives in their life projects. This also acts as an element of support to meet basic needs arising from conditions of poverty or extreme poverty. IMAS provides beneficiaries with a monetary sum (15,000 colones per month or US$ 45), for six months, in order to help pay for travel fares, refreshments and childcare. They are also given an additional amount on a once-only basis (18,000 colones or US$ 46) to pay for didactic materials used during the process.
- Access to Housing, under MIVAH: in this component a list of women living in poverty will be sent to MIVAH every six months, to be considered on a priority basis when awarding the housing voucher, in accordance with procedures and requirements established by Law.

National policy on work and employment for women

405 In March 1999, in conjunction with the Ministry of Labour and Social Security, the National Institute of Women (INAMU) began to run a series of consultation workshops with women from all regions of the country, aimed at enriching the formulation of a National Policy on Work and Employment for Women. By expanding the conceptual focus of the consulting process it was possible

to include reproductive tasks in the design of the policy, as part of strategies to obtain due social recognition for the work done by women (INAMU, 2000). In addition to the inter-institutional coordination effort, these consultative workshops represented the first experience of recording and systemizing women's points of view, thereby making it easier for female stakeholders to influence public-policy formulation. A major step forward in this field was the agreement on a National Policy Agenda for Women, Work and Employment, conceived around five strategic components (INAMU, 2000):

- An empowering climate for female labour-market participation in growth sectors of the national economy.
- Measurement of the economic contribution made by women.
- Expanded social security coverage for women.
- Strengthening of women's labour organization.
- Institutional development to promote gender- equity in the labour sector.

406. In the framework of the agreement between INAMU and the Ministry of Labour and Social Security (MTSS), in December 2000 the Action Plan for Gender Equality and Equity (2000-2002) was approved, and the Ministerial Gender Unit was created by Executive Decree. Five of the activities included in the action plan have now been carried out, as follows:

- Training in women's labour rights: from September 2000, MTSS began implementing actions contained in the strategy line to promote women's labour rights, with technical support from INAMU and ILO and financing from the United States Department of Labor. Under this initiative, 84 women leaders were trained in November 2000, and these are now disseminating women' labour rights in four critical areas: pregnancy and breast-feeding, sexual harassment, employment discrimination (in relation to job access and promotion) and workplace health. The trainees also included 15 Ministry of Labour inspectors. The organization of workshops on women's labour rights by the leaders that received training in 2001 involved about 1,500 female workers from the different provinces of the country, and has had active participation by technical staff from MTSS and the Municipal Women's Offices (OFIM). In November 2001, a three-day workshop was held to evaluate the process, which was attended by 32 leaders who had been participating in the labour-rights workshops, in addition to 25 new leaders. A total of 57 leaders attended from across the country, and they developed eight regional labour rights promotion plans for implementation in 2002.
- Campaign on women's labour rights: between March and October 2001, a mass media campaign was run on women's labour rights, also financed by the United States Department of Labor. This complemented the work being done by the rights disseminators, and made it possible to create attitudes of promotion and respect for women's labour rights among the population. The campaign broadcast four announcements by radio and four by television.
- The 800-TRABAJO phone line: in this same area, the 800-TRABAJO phone line was inaugurated in March 2001 as a channel for female workers to report violations of their labour rights. The mechanism enables them to

lodge formal complaints or request direct assistance on their labour rights from MTSS. The phone line is installed in the MTSS Labour Relations Department and is attended by specialized staff. Along with the publicity campaign, the service aims to raise awareness among female workers to enable them, in exercising citizenship as workers, to take advantage of the resources the Costa Rican State makes available to them to guarantee full exercise of their rights, including the Ministry of Labour, Labour Tribunals, the Public Commissioner's Office and the Constitutional Chamber. The slogan of this campaign on women's labour rights is "Don't renounce your rights – denounce their violation!"

- Training activities for male and female staff in the Ministry of Labour. The first two of these activities corresponded to exchanges of labour inspectors and senior staff in Municipal Offices, with a view to forging links and analysing the employment situation of women. Then in December, two three-day workshops were held on labour rights and gender, attended by 45 people. These actions also had participation from MTSS, INAMU, and ILO, and the last two by ILANUD.
- Guidelines on Good Employment Practices for Gender Equity. In 2001, a survey of "Good Employment Practices for Gender Equity" was carried out, to serve as a key input for the project to award a gender-equity seal for firms willing to undergo a certification process. Visits were made and interviews held with personnel managers and owners of 37 firms throughout the country. This action concluded with the presentation of a Guide to Good Gender Equity Practices in Employment, on 7 March 2002, attended by some 80 people related to the business sector. The guide was produced in a print-run of 7,000 copies, which were distributed to firms affiliated to the various business chambers and MTSS regional offices. An Inter-Institutional Commission involving INAMU, MTSS and ILO was set up to provide technical assistance for this process, and economic support was provided by the United States Department of Labor.

407 The lines of action promoted from INAMU in this field were as follows:

- Gender-Equity Seal Project: on 15 February 2002, a project entitled "Creation of a Mechanism for Labour Market Recognition with a Gender-Equity Seal for the Productive Sector of Costa Rica" was signed between INAMU and the Costa Rican International Competitiveness Initiative (Project ICCI-2). The aim of the project is to create a nationally and internationally recognized mechanism to foster a change of attitude and management style among private and public firms and organizations in Costa Rica, in order to strengthen investment in the country's human and social capital under conditions of gender equality and equity.
- Accounting for Domestic Work. Following a careful and rigorous study, MTSS estimated the market value of unpaid domestic work done by women as equivalent to 17 per cent of GDP, and that carried out by men at 1.2 per cent. In order to move towards an accounting system which, instead of an estimate, would produce a figure constructed from primary data, INAMU has established an Inter-Institutional Commission to promote the design and application of a survey on the use of time, and the design of a satellite account for national accounts, measuring women's contribution to

development. This Commission has also worked on revising the household survey, with a view to improving its gender perspective.

- Employment information, orientation and intermediation. Decree 29219-MTSS established the "National System of Employment Information, Orientation and Intermediation" whose function is to promote national policy on these issues. The various mechanisms comprising the system consists of institutions such as MTSS (the governing body), INAMU, MEP, INA, the National Educational Loans Board (CONAPE) and the Costa Rican Union of Private Sector Enterprises (UCCAEP), together with labour unions, para-university colleges, the Technical Education Research and Training Centre (CIPET), the Civil Service, the National Rehabilitation Council, municipalities and public universities. INAMU was present in the various working committees, making sure the gender perspective was incorporated in all the actions and strategies developed.

408. In addition, based on proposals and actions taken by the Minister for Women's Affairs and INAMU Executive President, special emphasis was placed on extending credit for women in a Cabinet directive instructing State banks to allocate resources to strengthen microenterprises and small businesses, in order to boost the development of their productive activities (INAMU, Balance..., 2000). INAMU is also working hard in two additional areas: to permeate traditional credit sources in order to make them accessible to women; and to create a trust fund to give specialized attention to the credit needs of women and their productive activities (INAMU, Balance..., 2000).

409. In order to narrow the gap in job opportunities and income, there is an urgent need to define an employment policy making it easier to hire women in the formal sector of the economy. At the same time, and as part of this effort, firms would be given incentives to hire and maintain on the payroll a growing number of female employees, and also promote women to better paid posts and offer them broader opportunities for training and skill maintenance, to enable them to ascend the occupational ladder in those firms.

410. Having said that, the women's organizations convened by INAMU to the Consultative Forum in order to study and validate this report, have pointed out that progress in legislation protecting women's labour rights does not necessarily lead to their protection in practice. In Costa Rica, the many laws protecting women's rights are having a boomerang effect. Entrepreneurs or employers – often supported by resolutions from the Constitutional Chamber – are claiming that the existence of so many protection laws is resulting in women being excluded from the market. In practice, many forms of gender discrimination in the employment domain still prevail, and this poses the challenge of building awareness among entrepreneurs and employers on the social and economic need to respect women's labour rights, and create mechanisms to distribute the costs of fully enforcing existing legislation between the State and the private sector.

411. Affirmative action measures are essential to guarantee new sources of quality jobs for women and broaden their access to the labour market under more equitable conditions. Such measures would include setting rising targets for enrolment in careers and areas that are competitive in the labour market, in technical colleges, INA and in public and private universities. At the same time, a programme promoting "New Vocations for Women" is needed, emphasizing the choice of

specialist areas in technical colleges and the vocational guidance provided by academic colleges, INA and universities. Targets would also be set here for female enrolment in traditionally masculine careers.

412. In addition, mechanisms need to be created to ensure that women remain in such careers, through scholarships, support services and other forms of incentive.

Article 12:
Equal access to healthcare

Article 12:

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of healthcare in order to ensure, on a basis of equality of men and women, access to healthcare services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, delivery and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Equal access to healthcare

413. Costa Rica has made outstanding progress in terms of women's healthcare: the country's infant mortality rate of 10.2 per thousand live births ensures a life expectancy at birth comparable to levels seen in developed countries. In fact, at birth women can expect to live longer than men: the gender gap in this indicator widened during the decade and by 2000 amounted to 5.4 years, with a female life expectancy at birth of 80.24 years (State of the Nation Project, 2001).

414. The female mortality rate was also lower than the male equivalent; in 2000, there were 134 deaths among men for every 100 among women. For both sexes, the leading cause of death related to problems in the circulatory apparatus, followed by cancers, especially of the stomach. In 2000, mortality rates for stomach cancer stood at 17.6 per 100,000 men and 10.7 per 100,000 women (State of the Nation Project, 2001).

415. For both sexes, the main specific causes of death were ischemic heart diseases and cerebro-vascular illnesses (Ministry of Health, 2001). Although the frequency of circulatory diseases, as a mortality causal group, increased slightly over the last few years, among women it has dropped slightly from 111 per 100,000 in 1992 to 103 in 1997. Diabetes mellitus was another of the main causes of death among both sexes – particularly among women for whom the mortality rate rose from 10.56 per 100,000 in 1990 to 15.29 in 1997. As a motive for doctor's consultations, this illness grew from 2.28 per cent of total consultations by women in 1987 to 15.29 per cent in 1997 (CCSS, 1999). The increase could be associated with gender-related factors (changes in diet, activity, labour-market participation).

416. Stomach cancer is the leading cause of mortality from tumours, for both men and women. For men it is the leading overall cause of mortality, generating 17.6 deaths per 100,000 men in 1999. The mortality rate from cervical cancer (the main cause of death among women) was 9.3 per 100,000 women in 1999.

417. According to the National Nutrition Survey, problems of obesity among women increase in with age. The prevalence of obesity among women from 20 to 59 years of age rose from 39.7 per cent in 1982 to 45.9 per cent in 1996. Among women between 20 and 44 years of age it rose from 34.6 per cent to 45.9 per cent, and in the 45-59 age group it climbed from 55.6 per cent to 75 per cent. Greater prevalence of obesity has occurred in both the urban and the rural areas, but more rapidly in the former. According to Health Ministry data, prevalence rose from 50.6 per cent to 56.6 per cent in the rural area between 1996 and 2000, and from 44.8 per cent to 56.4 per cent in urban zones between 1996 and 1999 (Ministry of Health, 2001). Among preschool children, nutrition indicators showed that girls suffer less from malnourishment, but are more frequently overweight or at risk of obesity, possibly associated with less physical activity and a higher consumption of carbohydrates. In general, health indicators vary markedly by zone of residence and education level; women with more education and living in urban areas display the best indices (State of the Nation Project, 2001).

418. Significant progress was also made in the coverage of medical services. The National Reproductive Health Survey[22] revealed broad access for women to medical consultations, with 97 per cent claiming to have seen a doctor in the last five years. Differences here relate to education level, because, 74 per cent of the group with primary school incomplete had a medical consultation during the past year, compared to 85 per cent of those who had completed secondary education or higher. The most significant problems in 1999 were the same as in 1992, although the percentages tend to be lower. Varicose veins are the most common complaint, followed by cervical infection and high blood pressure. The prevalence of cervical tumours or cysts remained at a very high level, along with infertility problems. The highest prevalence rates for most of these ailments occurred among women between 30 and 44 years of age.

Norms and standards on sexual and reproductive health

419. The Costa Rican Social Security Fund (CCSS) prepared a manual of women's healthcare norms, covering reproductive and sexual health topics. These are essentially governed by criteria relating to the biological process of reproduction. The norms cover aspects relating to birth control, pre-natal care, childbirth, the postnatal period, family planning, and the frequency of cytological examinations (papanicolau) and mammographs (Goldenberg, 2001).

420. On 14 May 1999 the Government issued Executive Decree 27913-S, creating the Inter-Institutional Commission on reproductive and sexual rights. This was based on the following consideration:

> "That it is the inalienable responsibility of the Costa Rican State to safeguard the population's rights to sexual and reproductive health, and to respect and fulfil international commitments on that subject which recognize the right of all persons to control all aspects of their health and particularly their own reproductive capacity" (Consideration 5).

421. Article 4 of the same Decree calls for the creation "of an institution entitled 'Advisory Service on Reproductive and Sexual Health and Rights' at all levels of

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[22] This was carried out in 1999 by the Central American Population Programme of the University of Costa Rica, based on a sample of 1,612 women between 18 and 44 years of age. Of these, 1,029 corresponded to a nationally representative group comparable to the 1992 sample.

care in public and private institutions providing reproductive and sexual health services. Where possible, this unit should consist of an interdisciplinary team of professionals, both male and female, trained or with experience in this area." Article 5 of the Decree defined the functions of such an advisory service, to include:

- Design and execution of education and dissemination campaigns on reproductive and sexual health rights.
- Organization and implementation of processes to train health workers and keep them professionally up to date.
- Provision of information and advice to users of the services provided by the institution, on an individual and group basis, concerning the advantages, limitations and side-effects of the different methods of fertility control (both temporary and permanent); and to help users choose the most appropriate method in each case, recognizing, upholding and respecting the values of individual in question, whether male or female.

422. In addition, in 1999, with the priority of ensuring compliance with agreements on sexual and reproductive health adopted at Cairo and Beijing, a tripartite discussion forum was established in the country encompassing the State, civil society and cooperation agencies. The tripartite forum and the National Sexual and Reproductive Health Commission have been working in coordinated fashion, and many of its members participate on both.

423. The make-up of the Inter-Institutional Sexual and Reproductive Health Commission was forward-looking in the sense that the representatives of each institution were identified on the basis of their track record and commitment towards the issues covered by the Commission's mandate. This explains why the Commission is informed about, and to some extent monitors and participates in other processes, such as the creation of the National Women's Hospital – not in its official capacity as a Commission, but through its members. The Commission's work concerns general policy on pre- and post-natal care, sexual and reproductive health ... and definition of spaces and work focuses that enable the different care-giving institutions to develop and fulfil their attributions. At the present time the Commission sees the need for a general framework defining basic minimum quality standards in addressing sexual and reproductive health and rights, which we are currently referring to as action guidelines (Goldenberg, 2001).

424. The Commission conducted a study to evaluate progress and difficulties facing development of the advisory services. This clearly revealed the resistances that exist in applying the approach, frequently alluding to reasons that resonate ideologically with the guidelines repealed by the June 1999 Executive Decree. Situations encountered by the study include doctors claiming reasons of conscience to refuse to carry out voluntary surgical sterilization; health centres imposing prohibitive conditions for carrying out the procedure, such as insisting on the presence of a companion to look after the patient in the post-operation phase because the centre does not have nursing services available for that purpose. Another tactic involves offering a procedure considered to be major surgery on an outpatient basis, whereby a patient may be operated on in the morning but has to leave the health centre that same afternoon (Goldenberg, 2001).

Importance of the advisory service on reproductive and sexual health and rights

425. The Public Commissioner's Office is currently working with the Costa Rican Social Security Fund (CCSS) to promote the need for the advisory services. It is also is advocating that all staff – not only doctors, but also social workers, psychologists, obstetric nurses and other professional staff – should be trained in sexual and reproductive health rights. The professionalism of such staff should guarantee sufficient sensitivity to understand that advisory services are not a suitable mechanism for transmitting personal views on sexuality, e.g. whether it is good or bad and from what age, or whether the couple is married or not (Commissioner for Women, quoted by Goldenberg, 2001).

426. The CCSS has had a major role and responsibility as the institution responsible for providing public health services. Particularly noteworthy are actions carried out by the Women's Health Section to enforce Executive Decree 27913-S, in relation to the training of health workers on how the advisory services should operate, the instruments created for this purpose, and processes to legitimize the Decree institutionally, especially as regards overcoming legal obstacles. These had been used by some doctors to justify resistance and barriers of an ethical, religious, cultural or gender type, among others (Commissioner for Women, quoted by Goldenberg, 2001).

427. The advisory services have taken the form of talks given mainly in hospitals, several times per week, most frequently focusing on reproductive health issues and different ways of controlling fertility, including sterilization. Although public lectures were not seen as the most appropriate way of dealing with a subject as delicate and intimate as sexuality, they are currently the only mechanism in use. Nonetheless, the feeling is that this type of activity should be complemented with other forms of support and approaches provided by the institution to its users (Commissioner for Women, quoted by Goldenberg, 2001).

428. Despite various efforts made by the Ministry of Public Education, major difficulties persist in the formal education system when dealing with issues such as sexuality, sexual health and people's sexual rights. Given these constraints, the public health system urgently needs to help educate people sexually, to equip them with thorough knowledge of their rights and the ability to exercise them and file complaints when they are violated (Commissioner for Women, quoted by Goldenberg, 2001).

429. On the issue of sterilizations, special efforts are required in terms of information and preparation, especially the case of women, for various reasons (Commissioner for Women, quoted by Goldenberg, 2001).

- "It is crucial that women be told that this is an operation with effects that are difficult to reverse (virtually 100 per cent of women sterilized can never have children again). This has to be explained carefully to women, especially the younger ones, as we are in a country where from the age of 18 people are entitled to seek sterilization."
- Sterilization is a surgical operation, which means opening up the woman's body and inserting instruments, medications and so forth. Neither the Commission itself, nor any of the institutions and organizations that comprise it, encourage sterilization or consider it to be "the method".

> Nonetheless, many women see this as the most effective alternative, and the method that is easiest for them. The obstacle whereby the woman's husband had to authorize the procedure was lifted in 1992. The fact that the Decree establishes the right of all persons, whether man or woman, to choose sterilization independently of the opinion of the person with whom they are married or live, gives additional freedom to women who reject chemical methods of fertility control, or who know their sexual partner will not use a condom. It also benefits married women who are subjected to sexual violence by their husbands, but may not ready to separate from them: sterilization offers women in this situation the certainty of not becoming pregnant."

430. The signing of "informed consent" to undergo surgery involves express acknowledgement that the patient has been informed about the repercussions of sterilization. In other words, she understands and accepts the consequences of such a decision. "The act of consenting to sterilization means renouncing all possibility of criminal action against the doctor or hospital, should she repent one day and want to have children again. This in no way diminishes or exonerates responsibility in the case of malpractice. Sterilization procedures must uphold good medical practice, which is a valid principle and a human right that users of medical services of both sexes of must insist upon" (Commissioner for Women, quoted by Goldenberg, 2001).

431. To date very few men have requested the vasectomy procedure, which is worrying given the lack of knowledge about the intervention and its repercussions. Moreover, "...the idea that fertility control and everything to do with reproduction is the woman's responsibility, disregards a totally contradictory fact. Whereas a man can make many women pregnant every year, fertility control and other reproduction programmes are directed towards women, who can barely have more than one pregnancy each year, but nonetheless have to assume responsibility and take the blame for becoming pregnant, or for having to use other methods to avoid having more children" (Commissioner for Women, quoted by Goldenberg, 2001).

432. This problem motivated the National Commission on Sexual and Reproductive Health to run a campaign to raise men's awareness of their responsibility on issues and rights relating to sexual and reproductive health. This pointed out that male sterilization is far less risky than the equivalent procedure for women; it is done on an outpatient basis and is much less costly for the system. "In other words, it would be worthwhile for the system to fund a campaign that encouraged men to show responsibility by undergoing vasectomy, undertaken with all due care in keeping with sound medical practice" (Commissioner for Women, quoted by Goldenberg, 2001).

433. The Women's Health Section of the CCSS Department of Preventive Medicine took a number of steps to clarify due process in cases of permanent surgical interventions, including legal, technical and ethical consultations. These resulted in instructions issued in 2000 and 2001 by the Medical Subdivision of the Deconcentrated Hospitals and Clinics of the Metropolitan Area, reminding people of the existence of the advisory service process on surgical sterilization. They also called for Sterilization Committees to be disbanded in establishments where they still existed, and advisory teams to be set up, for compulsory implementation of advisory services at all care levels. Additional recommendations included ensuring

equal access for men and women to advisory services and informed surgical contraception, both temporary and permanent; and elimination of all requirements not included in Executive Decree 27913-S, since this encourages discriminatory practices. In addition, there should be a mechanism to record comments, complaints and recommendations on this service, which should be attended to and followed up for effective resolution (Commissioner for Women, quoted by Goldenberg, 2001).

434. The women's organizations consulted during the process of preparing this report have highlighted obstacles in implementing the advisory services, including cultural and ideological barriers. In the popular image of healthcare, many myths and prejudices still persist in relation to maternity and women's bodies.

Upgrading of norms and standards on sexual and reproductive health

435. Norms and standards exist on sexual and reproductive health; but as the services reflect a biological approach, their conception of sexual reproductive health has until now been limited to addressing biological reproduction processes, and the norms currently focus on these. The aim for the future is for norms and technical standards to embrace an integrated view of sexual health, sexual rights, reproductive health and reproductive rights. The general guidelines on which the Commission is working are expected to generate technical standards and subsequently feed through into care practices. This process is extremely important, because ultimately it is practices that determine care quality, and changes at this level tend to be slow and costly. Ongoing evaluations revealed extremely poor practices in the application of current norms and standards, which, as indicated above, reflect a longstanding biological paradigm.

436. Under the new approach, the norms will have to indicate another way of addressing sexual health and sexual and reproductive rights, and help transform practices that are of a different kind. The new norms will include new tasks, or introduce quality aspects in the execution of existing ones. At times, what matters more than the task itself is how it is done. The changes are bound to lead to a more collective and more interdisciplinary approach, in which female users are more active. The changes will be far-reaching.

437. Technical norms are currently competing with management commitments in the health area, for which reason they have lost some of their force. The trend has been to give greater importance to management commitments signed with the funding agency than to technical standards, which are not always included in the management commitments. This is changing the rules of the game, even within the prevailing biological framework.

438. An attempt was made to review management commitments, based on experience being gained in the Women's Hospital, and elsewhere. This effort was two-pronged: on the one hand, management indicators for 2003 were designed in order to support implementation of the Comprehensive Women's Healthcare Model. Five of the indicators proposed were accepted, on the following: strengthening of health management in a network; development of comprehensive programmes; genuine participation by women in the design of programmes and projects and in decision-making; care quality; and human resource development from a human rights and gender perspective. In addition, the establishment of an Inter-Institutional Commission was proposed to conduct a systematic review of indicators and

benchmarks such as norms, regulations, procedures and instruments for data collection, among other things.

Women and cancer

439. Cancer is a disease that affects many people throughout the country and worldwide, sometimes even being referred to as an epidemic. In Costa Rica the main types affecting women are cervical, breast and stomach cancer.

440. Following an upturn during the first five years of the decade, the incidence of cervical and breast cancer declined sharply from 1995 until 2000 – especially breast cancer which dropped from nine cases per 100,000 women to 6.4. Since the early 1990s, breast cancer has been the second most frequent cause of tumour-related death among women. These positive trends are largely explained by the efforts the country has been making to improve preventive health in this area. According to the National Survey of Reproductive Health, Costa Rica has made significant progress in preventive health for women of childbearing age (between 18 and 44 years). This is reflected in an increase in Papanicolau examinations, breast self- examination (although to a lesser extent), and coverage of tetanus vaccination (the proportion of women inoculated has risen from 58 per cent in 1992 to 74 per cent in 1999).

441. To combat this disease, funding was provided for the National Programme on Care and Prevention of Cervical and Breast Cancer, coordinated by the Office of the First Lady of the Republic, in conjunction with CCSS, the Ministry of Health and the National Institute of Women. This programme succeeded in expanding the coverage of cervical smear tests to 60 per cent, and strengthened the process of awareness-building and gender-training on this serious problem for women's health, through talks, workshops and public activities. The project concentrated its activities mainly in the Atlantic and Central regions.

442. Programmes were also implemented for early detection and treatment of cancer in the main national hospitals. Papanicolau is now a standard examination, along with the mammograph examination for high-risk women. Not all hospitals or clinics are equipped to carry out mammographs, however. All the publicity and propaganda on early detection generated by the programme made people aware of the need to perform these examinations; but it also generated expectations that the health system seems unable to satisfy.

443. Steps were taken by the Women's Hospital to implement the Comprehensive Cervical and Breast Healthcare Programme in coordination with the Acosta, Aserrí and Desamparados health areas. A group of some 16 women leaders from those communities participated together with the Interdisciplinary Team responsible for its implementation (consisting of a doctor, nurse, social worker, psychologist and administrative worker). In addition to providing medical attention, the programme currently stresses preventive actions and the establishment of women's self-help groups. The programme also established a third level of care, opened up the hospital service to the community, promoted teamwork and the planning and budgeting of activities in annual operating plans for the programme's services, in addition to coordination of healthcare levels II and I.

444. The National Solidarity Fund to Combat Cancer (FUNDESO), a non-profit organization, provided many women with mammographs, because they had to wait a year for an appointment at the San Juan de Dios hospital. This proves the existence of heavy demand. FUNDESO also provides prostheses and brassieres for women

that have undergone mastectomies. According to Marlene Castro, a voluntary worker at FUNDESO, the San Juan de Dios hospital is the largest buyer of female prostheses, providing for 90 per cent of the women that had mastectomies during the period covered by this report.

445. FUNDESO attended a total of 5,400 people this year seeking help and advice, including women with cancer. It also offered support groups, but as Castro points out, these were in less demand, because women in the different communities are themselves organizing meetings on the issue of health and cancer. A case in point was the CAMES (Cancer, love and hope) group of Tres Ríos, set up by women who have survived or currently have cancer. Such activities are very important, because they show that women are breaking out of the silence and private suffering that having an illness like cancer has always implied. They are finding support, and starting to identify the possible causes of their illnesses. The Women against Cancer Group of Alajuelita was a joint initiative of Carmen Muñoz, a resident of that community, and the Women in Health Association (AMES). The members of this group have been identified as high-risk – their mothers and grandmothers died of cancer, and they want to avoid the disease in their own lives. By identifying risk elements and detecting the critical path of cancer, the aim is for each woman to make significant changes in their diet, in their attitudes towards life and relations with their partner and in terms of maternity, confronting and challenging their genetic inheritance and the "inevitability" of falling victim to an unpleasant and cruel illness.

HIV/AIDS among women

446. AIDS infection is becoming increasingly female, and steadily younger and poorer (Arroba, 2001; Guzmán, 2001).

447. Although the first case of AIDS among men in Costa Rica was recorded in 1983, the first case among women was identified only three years later. Until 1990, there were only 21 cases of women with the disease. Between 1991 and 1995, 65 new cases were detected, and between 1996 and 2000, a further 153. Having displayed a rising rate of detection until 1998, the trend began to change thereafter. The number of new cases in 1999 (173 in total, men and women) and in 2000 (125 cases) are significantly lower than the figure for 1998 (270 cases). The number of cases among women represents 12 per cent of the cumulative total of cases confirmed since 1983 (National Council for Comprehensive Care of HIV/AIDS Sufferers, 2001).

448. Starting in 1985, institutional efforts were organized from the health sector (Ministry of Health and CCSS) to address the HIV/AIDS problem, and the National AIDS Commission was established. Following approval of the General Act on HIV/AIDS (No. 7771) in 1998, this became the National Council for Comprehensive Care of HIV/AIDS Sufferers was appointed, with representatives from the Health, Education and Justice sectors, with NGOs and HIV/AIDS carriers.[23] The law and its regulations called for individual and collective defence of the rights of persons infected, and established institutional responsibilities in this area. For the clinical treatment of individuals suspected of infection or diagnosed as infected, there is the Anti-Retroviral Treatment Protocol, the Protocol on the Infected Pregnant Woman and the Protocol on Control of Infections in Dental

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[23] Known by the Spanish acronym PVS.

Consultations. Gender mainstreaming in the strategic actions remains an outstanding task.

449. According to Health Ministry statistics, 337 cases of women with HIV/AIDS had been recorded as of 15 February 1999, mostly in the 20-39 age group (197 cases, equivalent to 58 per cent of the affected population). Moreover, the vast majority of these involve either married women (64 cases) or those living in common-law marriages (74 cases), representing 40 per cent of the affected population. The point here is that these are women who are in stable partnerships and mostly engaged in domestic tasks. Cristina Garita, director of the AIDS foundation Fundación Vida, estimates the number of HIV carriers in Costa Rica at more than 12,000. Despite the existence of the National Council for Comprehensive Care of HIV/AIDS Sufferers, and the regulation to the General Act on HIV/AIDS, which established the right to anti-retroviral medications for persons testing HIV-positive, there has been no national campaign on AIDS prevention since 1995. Specialists on the subject believe the size of HIV-positive population could be understated.

450. The General Act on HIV/AIDS (No. 7771 of 29 April 1998) was drafted by the National Council for Comprehensive Care of HIV/AIDS Sufferers. The Council is responsible for recommending policies and action programmes throughout the public sector to ensure that carriers receive attention in health centres, that they obtain anti-retroviral medications, and that periodic reports are produced on the use of medications. Care must also be taken to ensure the existence of mechanisms to guarantee confidentiality, correct administration of medical files, and preparation of a strategic HIV education and prevention plan to be implemented in all schools, colleges and universities, both public and private, in collaboration with the Ministry of Public Education. The Ministry of Health and CCSS will be required to jointly prepare a programme of national campaigns on AIDS prevention and condom use. NGOs, together with organizations and groups linked to the Catholic, Evangelical and Episcopalian Churches have played an important role in developing prevention, education and care activities.

451. Among many other tasks, the Council is also responsible for drafting measures to combat discrimination in education, employment and bureaucracy. Although this prevention programme is ready, it is underfunded. The belief is that the State and CCSS have a duty to address this sensitive area, because until now "prevention has been promoted by NGOs."

452. The initial campaigns targeted the gay population and female sex workers. Since 1993, the Latin American Institute for Health Prevention and Education (ILPES) has focused its efforts on excluded male population groups, such as homosexuals, prison inmates and transvestites. This NGO worked to promote prevention among women, but it has since closed down. Fundación Vida, which has been in existence for 10 years, offers care services for HIV/AIDS carriers, concentrating on support for women. Other NGOs working in AIDS care and prevention in Costa Rica include APAVIH, ASOVIH/SIDA, the AIDS Committee of the Nurses College of Costa Rica, FUNDACIÓN HOY POR TI, ASOCIACIÓN MISERICORDIA HOY, CIPAC, ASOCIACION AGUA BUENA, HOGAR DE LA ESPERANZA. ALIADAS, and FUNDESIDA.

Women's mental health

453. A critical problem for women is reflected in the way unhappiness among women tends to be medicalized under the diagnosis of depression, and how female anxiety and emotional discontent have been classified as mental illness. According to Dr. María Elena López, of the Health Services Department of the Ministry of Health, mental health services in Costa Rica are non-existent. This view was reiterated by Edda Quirós, who was critical but noted that some people are trying to change the situation. Women are routinely prescribed anti-depressants and tranquillizers. "This approach does not ask why a women is in that state, but what are the factors leading her to a depression. Are organic factors involved? Yes, they probably do play a part, but in some cases over-medication turns women into invalids, eliminating them as persons," Dr. López argues. In 1996, nearly 70 per cent of sick-leave relating to non-psychotic mental disturbance corresponded to women, who averaged 16.89 days off work, compared to 11.79 among men. Ailments of this type were the cause of over 9 per cent of all sick leave among women in that year (Morice and Solís, 1998).

454. The number of suicides among women increased from 14 cases in 1985 to 26 in 1997 (of the latter, four were foreigners), representing 16 per cent and 19.6 per cent of the total number of suicides respectively. The number of cases involving young women 20 years old or younger, rose from six in 1985 to 12 in 1997 (Miranda and Del Valle, 2002).

455. This highlights the urgent need for a comprehensive mental health programme for women, covering their whole life-cycle. Under such an approach, mental health is seen as a condition of personal well-being with oneself and one's surroundings as a substantive element in overall good health, avoiding the abuse of "medicalization". Alternative approaches to these problems could involve sport, recreation and group therapy provided outside the hospital environment.

Non-existence of health programmes especially for older women

456. In Costa Rica, healthcare services for older people are provided by the Blanco Cervantes hospital, which is the only State institution specializing in this population group. Over the last two years, legal instruments were approved to uphold the rights of older people, but in no case was a gender perspective included (Goldenberg, 2001).

457. The Comprehensive Act on the Older Adult (No. 7935, published in Gazette No. 21 of 15 November 1999) created the National Council for the Older Adult. As a governing body, this institution must ensure comprehensive care for this population group, and oversee various aspects relating to population ageing. The Act recognizes and upholds a number of rights aimed at improving the quality of life among older adults. In chapter II, title III, it defines State duties and actions to be taken by the Ministry of Health in providing healthcare services to older adults, through programmes of promotion, prevention, cure and rehabilitation; but it makes no reference to the specifics of gender in healthcare.

458. Aside from gender specifics, the Doctor Raúl Blanco Cervantes National Geriatric and Gerontology Hospital may represent the healthcare model it is intended to generalize throughout the country for this population group, since chapter III, article 20 of the Comprehensive Act on the Older Adult establishes that:

> "The State shall promote the formulation of educational programmes at pre- and postgraduate level in geriatrics and gerontology at all levels of healthcare, together with courses on comprehensive care for older adults aimed at technical professional staff. These will be given in the Doctor Raúl Blanco Cervantes National Geriatric and Gerontology Hospital, or other specialized hospital centres. The National Education Council will ensure that universities include geriatrics in their medical curricula, and gerontology in other careers pertaining to the health and social science areas. These courses will be offered in a hospital specializing in those areas."

459. Nonetheless, no gender distinctions are made in regulations governing the creation and functioning of refuges, shelters or homes for older adults.

460. On the subject of healthcare for older adults, there is particular concern about situations of maltreatment, aggression and abuse to which patients may be subjected. The Comprehensive Act on the Older Adult criminalizes physical, sexual or psychological and patrimonial aggression. Nonetheless, in terms of mechanisms offering protection in situations of aggression, only the PLANOVI platform exists at State level, and this only offers protection alternatives for women. The Doctor Raúl Blanco Cervantes National Geriatric and Gerontology Hospital set up a Committee on Care for Elderly Persons Subject to Aggression, which identifies and studies potential situations of aggression, on a consultation basis, working firstly through the family. If action is unsuccessful at this level, it then lodges the appropriate legal complaints. It has also signed a number of goodwill agreements with homes that take in older adults who have suffered abuse – especially men for whom there are no alternatives.

461. This law also made it compulsory for public or private institutions to give preferential treatment among their services to older adults of both sexes. In July 1997, the Social Benefits Office of the CCSS Pensions Management Division implemented the Ciudadano de Oro (Senior Citizen) programme, aimed at all persons over 65 years of age.

462. This forms part of another broader programme of social benefits. It is intended to create a culture of dignity and respect towards older adults, placing that population group in a position of privilege by granting them special benefits, and improving their quality of life by enhancing their physical, mental and social well-being. It seeks to establish strategic partnerships between insurances covering health and disability, old age and death, with participation from other public, autonomous and semi-autonomous institutions, supported by NGOs and private enterprise.

463. The programme offers a series of benefits to all persons over 65 years old, without distinction, aimed at improving their quality of life. Among other things during the period under study, it promoted discounts in commerce and public shows, cultural workshops, recreation and health courses, and preferential treatment in CCSS medical centres and other public, private, autonomous and semi-autonomous institutions throughout the country.

Access to social security benefits in Costa Rica

464. Costa Rica has a social security system that was created during the second wave of reforms that took place in Latin America during the 1940s. It is based on principles of compulsion, universality and solidarity; it covers a high percentage of the population; it is highly unified with few people on special regimes, and there is

less stratification of benefits than in the remainder of the region. Since the early 1990s it has gone through major institutional and programmatic reforms in both the healthcare and the pension segments. These have been gradual and have affected social security instruments, rather than radical and focused on changes to social security principles (Martínez, 2002).

465. As in the rest of Latin America, social security was founded on the basis of wage-earning labour-market activity, assuming the existence of a nuclear family consisting of a provider (the man) and several dependants (the wife and children). Subsequent reforms have made the system more inclusive, for example incorporating independent workers of either sex and the indigent population, or expanding entitlements (such as financing maternity for female wage-earners) (Martínez, 2002).

466. Essentially, however, the system still retains several key features of its original design (such as the assumption of a society in which formal wage-earning labour relations predominate), while new access barriers have arisen associated with labour-market changes, such as feminization and informality. In this framework, women's access to social security benefits faces two types of obstacle (Martínez, 2002):

- those stemming from the sexual division of labour: these are expressed in the different roles of women and men in unpaid family or domestic work, and in the different patterns of labour-market participation between men and women (reflected, for example, in the proportion of women in the EAP, in their mode of labour-market participation (independent or wage-earning, and by economic sector) and in the pay that women earn). These result in differential and inequitable access to social security benefits between men and women;
- those inherent to social-security systems that reproduce or compensate for inequalities arising from the sexual division of labour and segmentation of the labour market.

467. Not all women in Costa Rica are covered by social security, either because they are outside the system entirely or because they have limited coverage as indirect affiliates to the system through their spouse, partner, sons or daughters. This clearly restricts equal access to the benefits of the system – in particular entitlement to a retirement pension, subsidies for temporary or permanent disability, social benefits such as prosthesis, spectacles, advanced dental treatment, and maternity leave, among others. Access differences of this type render women second-class citizens (Martínez, 2002).

468. The Labour Code chapter on "Protection of workers in the work place" is obsolete, since it fails to cover many workplace hazards faced by the female working population generally, and by women who work in modern manufacturing industries in particular. Victims of a lack of protection include housewives, particularly those that suffer from some type of disability or who have disabled children; non-wage-earning rural producers; self-employed women microentrepreneurs; and many female heads of household living in poverty. For these population groups, social- security coverage needs to be expanded, especially to support the entitlement to an old- age or disability pension that ensures an adequate standard of living, based on social justice and fair distribution of national

wealth. This goes beyond the welfare approach in relation to types of insurance (direct or contributory versus indirect or family) in health and pension benefits (Martínez, 2002).

469. This is a problem that affects women in particular, for while they display a higher percentage of insurance coverage than men, the vast majority of women are insured as family dependents, unlike men who are mainly insured directly. Currently, only 24 per cent of these women have direct health insurance, and 30 per cent have pension coverage; 15 per cent of female wage-earners and 48 per cent of women working independently are covered under family insurance rather than directly (Martínez, 2002).

470. If these data are expanded by adding social-security access for the adolescent population between 12 and 21 years of age, the result is that 21.5 per cent of the total population is uninsured. Among the female population, 45.4 per cent of all young women lack insurance, the 18-25 year age group being worst affected at 51 per cent. Nonetheless, considering the insured population group only, 76 per cent are insured through their family, and 9.4 per cent by the State. Generally speaking, just 7 per cent of the adolescent female population has social security coverage in their capacity as wage-earners (Martínez, 2002).

471. In addition to making insurance dependent on continuous contributions by another person, family insurance restricts the benefits available to these women (Martínez, 2002), by excluding them from:

- access to monetary benefits in respect of health insurance (including for disabilities arising from illness and maternity leave); and,
- pensions, except for those arising as a result of disability or death of a spouse or partner, provided they can prove their economic dependence on that person.

472. The challenge posed by this situation is to expand direct insurance for women undertaking paid work (either as wage-earners or independently). This requires a campaign to raise awareness of the possibilities and limitations of direct and indirect insurance respectively.

473. The fact that social security benefits currently differ according to the type of direct insurance involved, contravenes the solidarity criterion that constitutionally underpins the social security system in Costa Rica (Martínez, 2002):

- Directly insured women wage-earners receive health services and monetary benefits (arising from sick leave and maternity).
- Directly insured self-employed women also receive health services and monetary benefits, but in smaller percentages than their wage-earning counterparts.
- Women who are directly insured on a voluntary basis but do not undertake paid work (for example housewives and students) receive healthcare but no monetary benefits – despite individually paying in more than women who are voluntarily insured as result of self-employment

474. This involves a stratification of benefits that affects women in particular, since it is women who require maternity leave and carry out unpaid domestic and family

work. Women are therefore most likely to be among those who are voluntarily insured but do not generate incomes.

475. Women on maternity leave currently receive full pay for the four months' duration of their leave period. During this time, the employers and CCSS jointly finance the total amount due in wages and social benefits. The cost of these charges for employers is currently generating a boomerang effect involving dismissal of pregnant women and a preference for not hiring female workers. As maternity is also function that society promotes and requires for its reproduction, the challenge is to find a way to redistribute the costs of maternity leave, such that employers pay a premium for each female worker in exchange for not having to grant paid leave when the employee becomes pregnant (Martinez, 2002).

476. On this basis it would be possible to:

- Finance maternity leave for female wage-earners without raising the cost for each individual employer.
- Equalize maternity-leave payments for independent workers with those received by wage-earners. This would reduce the stratification of both health insurance and pension benefits.
- Make the necessary actuarial calculations and start to consider ways of funding maternity pay for women who undertake unpaid work, many of whom are also insured on a voluntary basis.

477. In relation to the actuarial calculation of the second-pillar pension, the calculation of pensions in the individual capitalization regime currently penalizes women because they are expected to live longer than men (Martinez, 2002). At least two arguments should be considered in the light of this situation:

- While our society struggles to extend the life expectancy of men and women, it is unreasonable that the pension system should penalize women's longer life expectancy. They already receive just 70 per cent of men's wages for the same work, which reduces their pensions compared to those of men. To obtain a pension similar to that received by a man who has done the same work, a woman would have to pay in a considerably larger percentage of her wage.
- Throughout their lifecycle, and unless cultural patterns and mechanisms of social support change profoundly, women carry out unpaid work of care-giving and home-making, which is not recognized either by the labour market or by the retirement system.

478. For all these reasons it seems inconsistent with the principles that underlie the Costa Rican social security system, that the individual capitalization regime should penalize women's longer life expectancy. The technical solution is simple and consists of a modification of the actuarial calculation made by pension-fund operators. The political negotiation with pension-fund operators that such a change would imply, would require the creation of public support and the broadest possible coalition of stakeholders.

479. With regard to workplace hazards, the scale that currently establishes the most typical risks and allocates predetermined percentages of disability for each hazard, imposes two types of restriction on women (Martinez, 2002):

- There is a set of labour accidents that frequently occur among women, which are not typified as such, for example dysphonia, carpal tunnel syndrome, and ergonomic problems stemming from bad body posture – for example in maquila industries.
- The INS scale also focuses on physical accidents; yet there is a set of physical or emotional sequels that are particular frequent among women, stemming from sexual harassment at work, which are not considered to be workplace hazards. Accordingly, if a woman requires rest as a result of stress caused by harassment, she must apply to CCSS rather than INS. In the event of permanent disability, the individual currently has no entitlement to a monetary subsidy for a workplace hazard, let alone for emotional or psychological rehabilitation.

The Dr. Adolfo Carit Eva Women's Hospital

480. On 15 August 1999, Mother's Day, the prestigious Carit Maternity Clinic became the Women's Hospital. This event is important in the history of women's health and for the Costa Rican health system as a whole: the aim is to use this hospital to develop a new model of comprehensive healthcare for women that will generate far-reaching changes in the way their health problems and needs are addressed. This will involve not only health workers, but also the user population, their families, communities and other stakeholder groups and sectors.

481. According to the document prepared by the Inter-Institutional Technical Commission, the aim in developing the new model was to involve active participation by women and men in terms of understanding, analysis and change in health-related issues, while incorporating women's needs and interests into the country's public and political agenda. An additional aim was to open up genuine spaces for citizen participation in the processes of formulation, implementation and evaluation of policies and programmes, based on informed decision-making; and the promotion of a new attitude and awareness among women, men, children, adolescents and older persons, enabling them to internalize health as an inalienable right that cannot be delayed.

482. This proposal formed part of the process of health-sector reform and institutional modernization carried out in Costa Rica. It is founded on a conception of health as social production, where the context and social determinants in the life of each person are taken into account. It therefore approaches health comprehensively – through interdisciplinary intersectoral teamwork, and with broad social participation. The mission of the model is to guarantee women comprehensive high-quality healthcare with a gender perspective, in addition to social participation, training, empowerment, access to decision-making and other health-promoting processes. It empowers stakeholders of both sexes as agents to replicate this in different institutions (Inter-Institutional Technical Commission, 2000).

483. Nine priority programmes were established in the new model, reflecting its powerful repercussions at the social, individual, family and community level. These were: sexual and reproductive health; mental health, gender violence, drugs, tobacco and alcohol; teenage pregnancy; sexually transmitted diseases and HIV/AIDS; climacteric, menopause and post-menopause; cervical and breast cancer; and health, community and the environment.

484. This project enjoys political support and receives funding from Canadian Cooperation. The people involved in its creation, together with staff from other institutions such as INAMU, received training on strategies, planning and content from professional experts from women's health institutions in Canada.

485. Although this has been an interesting initiative, the comprehensive women's healthcare model requires political will and funding to implement it in practice and guarantee its replication throughout the national health system.

486. As part of the progress achieved in implementing the model, the following should be mentioned:

- The experience was carried out with community participation in the cantons of Aserri, Acosta and Desamparados, and in the Carlos Durán Clinic.
- The CCSS Executive President approved continuation of the project, with a budgetary allocation for 2003 that enables the pilot phase to be continued and concluded.
- Five key management indicators were included to measure the sustainability of actions carried out to date. The process of monitoring and review of the Management Commitment instrument from the gender perspective still requires consolidation.
- The hospital agreed on the following programmes for 2003 with the CCSS Procurement Office: HIV/AIDS; tobacco, drugs and alcohol; sexual and reproductive health. In addition, the domestic violence and healthy lifestyles programmes are in the design phase. The programme to give accreditation to high-quality maternity clinics is being implemented in cooperation with the Latin American Perinatal Centre (CLAP) and the World Health Organization (WHO). This aims to implement better childbirth practices, stemming from evidence-based medicine. One such practice consists of providing continuous technical and emotional support throughout labour and during the post-natal period. All these programmes and efforts are being carried out as components of the Comprehensive Women's Healthcare Model.
- The project involves social participation as a crosscutting element. To develop this component, work was done with women leaders to strengthen their capacities to provide autonomous leadership. Thus far, women have managed to construct a Health Agenda, which was circulated and received feedback from approximately 800 women from the three cantons mentioned above. As a result of this process, the women organized themselves into Associations to Promote Comprehensive Health for Women. So far an association has been established in Acosta, Aserrí and Desamparados; and organization strategies are currently being strengthened to disseminate the agenda among health workers in each of the health areas mentioned. As an outcome of this exchange, coordination mechanisms are expected to emerge to initiate a phase of negotiation on strategic points of the agendas, and hence monitoring and evaluation mechanisms. This community movement aims to materialize the principle of participation in decision-making processes. Women leaders trained under the model have a clear view of their key leadership role in setting directions for the care process and approach to women's health needs in our society.

- The relationship between the hospital and clinics and women's groups produced significant changes, such as greater awareness among the authorities of the importance of planning from and for the needs and interests of women users; establishing policies and issuing local institutional guidelines for effective compliance with the new approach to women's health, especially in terms of rights dissemination and public awareness of what is being done to promote them; start of discussion on the importance of whether the State and its institutions want social participation – this has an economic cost that will need to be taken into account in institutional planning. From this standpoint, it is hoped that if the institutional framework assumes certain costs of this participation, the autonomy and decision-making capacity of the women's movement will not be lost or undermined.

487. The women's organizations consulted stated that the care model continues in practice to focus on women's reproductive health and does not include diversity. They also claim that some issues intrinsically related to women's health, along with those related to sexual and reproductive rights, continue to be ignored in the formulation of public health policies.

488. They also stressed the urgent need for actions to uphold women's right to reliable and timely information on family planning methods, together with safe access to them.

489. On this point, it is also important to draw attention to the vulnerability of the human rights of adolescents, which the State is obliged to guarantee by recognizing them as subjects with rights and responsibilities; with capacity to express opinions and participate actively in the issues that concern them, whether individual or social. This also means recognizing the capacity and right of adolescents in particular to exercise their sexuality in autonomous and responsible fashion.

490. The importance of strengthening and supporting the INAMU Comprehensive Adolescent Care Programme (PAIA) is recognized. This aims to promote and defend comprehensive human development among adolescents and young people of both sexes. Among other actions, the programme promotes the creation of mechanisms to enable teenagers of both sexes to critically reflect on their reality, improve their knowledge and change their attitudes in order to assume their sexuality in a healthy and responsible manner. In addition to providing healthcare, it guarantees referral of teenagers to the Construyendo Oportunidades programme, and participates in the programme's National Technical Commission and in each of the Intersectoral Regional Commissions. In addition, the programme seeks prevention, early detection and comprehensive treatment for young people of both sexes that have been victims of incest and sexual abuse.

Participation by Non-Governmental Organizations (NGOs)

491. The new paradigms have clearly emerged from civil society and particularly the women's movement and its organizations. Non-governmental organizations in all developing societies work with people in their communities and understand their realities. They are aware of the health status of women and young people, they understand the inequality of opportunities and expectations, and the way so many women are overburdened with responsibilities. They also recognize the amazing

capacity women have to organize themselves and take steps to bring about changes defined by them, frequently facilitated by NGOs.

492. Like other countries in the region, Costa Rica has many NGOs. Some of these work with women, and a significant proportion focus on women's health issues. Many international donor organizations left the Costa Rica after 1997, when it was classified as a "developing country" and placed in category "C" by ECLAC. Many NGOs were forced to scale back their programmes and staffing, and some have closed down altogether. Many others have survived as a result of collaboration with the Amor Joven and Construyendo Oportunidades programmes. The life of an NGO is intrinsically precarious; frequently innovative projects are started, involving people at grass-roots level and creating expectations; but the major problem is that projects cannot continue when funds run out.

493. NGOs do important work, particularly in the field of health rights and sexual and reproductive rights. Several experts interviewed mention the importance of building and strengthening the partnership with NGOs. The health system clearly cannot respond to all the population's demands, and it needs collaboration from all organizations and associations to strengthen work on prevention, rights, preparation and alternative health, in their own communities.

Violence against women

494. One of the most tangible and serious manifestations of social inequity is violence perpetrated against women. Thousands of women of all ages are subjected to violence, sometimes on a daily basis. Women are not casual targets for these forms of abuse, but precisely because of the subordination and discrimination to which society subjects the female population (Carcedo, 2001).

495. Physical, psychological, sexual or patrimonial violence are all forms of violence against women that occur frequently both within families and outside them; they are present in all cultures and in all social groups. This reality, invisible until just three decades ago, began to be denounced by women's organizations and by the survivors of abuse, who proclaimed the need for societies as a whole, and States particularly, to assume their responsibilities in eradicating this extreme form of gender discrimination and injustice.

496. Aggression against women is a problem of public health and citizen security. Although all forms of violence against women are undesirable and unjustified; some are of particular concern to Costa Rican society at the present time. Cases in point include domestic violence, which claims the lives of about two women every month; and sexual exploitation of children for commercial purposes, which has made our country a destination for sex tourists and a target for international agencies in defence of the rights of children and adolescents.

497. These are not the only forms of violence against women, however. Others include sexual harassment, harassment at work, violence during courtship, sexist violence in the media, imposed pregnancies, unsafe abortions, police abuse, institutional violence and revictimization of abused girls and teenagers. Moreover, the forms of violence proliferate when the targets are women from social and ethnic groups that are already discriminated against in our society, such as: indigenous, migrant and lesbian groups, Afro-Costa Ricans, older adults, sex workers, disabled women, domestic workers or female prison inmates.

498. Not all of these realities are equally recognized in Costa Rica, nor is there quantitative information in all cases to gauge their extent. Nonetheless, thanks largely to the action of civil-society groups organized by the women affected, it has become possible to make their existence visible, identify the participants involved, and to understand their dynamics and the requirements for dealing with it.

499. By 2000, Costa Rica had many and varied resources, including legal ones, to tackle some of the manifestations of violence against women. This is a major improvement compared to the situation in 1990. At the start of that decade, women's organizations were practically alone in carrying out the multiple tasks of supporting women, young girls and teenagers, and filing complaints to make violence visible and promote changes in legislation and public policies. The experience of State and private-sector programmes, together with the various investigations that have been carried out, provide better understanding of this problem and its different manifestations.

Femicide[24]

500. In 2000, 25 women died as a result of domestic and/or sexual violence – a similar figure to that of recent years, which implies an average of over two per month. This type of killing, known as femicide, accounts for the majority of murders of women during the 1990s – 70 per cent of those for which the circumstances are known – equalling the rate of maternal mortality and the death rate from AIDS.

Table 14
Costa Rica : Female deaths as a result of murder, femicide, AIDS and maternal mortality, 1990-1999

	1990	*1991*	*1992*	*1993*	*1994*	*1995*	*1996*	*1997*	*1998*	*1999*	*Total*
Murder of women	32	39	27	29	30	32	27	26	34	39	315
Femicide	21	16	13	20	18	20	17	12	21	26	184
Suspected femicide	0	0	0	1	1	2	1	1	1	1	8
Non-femicide	6	15	6	5	4	8	4	7	7	8	70
Circumstances unknown	5	8	8	3	7	2	5	6	5	4	53
AIDS	8	6	3	5	5	14	10	15	4	4	74
Maternal mortality	12	28	18	15	31	16	23	29	12	15	184

Source : Carcedo and Sagot. Femicidio en Costa Rica : 1990-1999, 2001.

501. Most cases of femicide were committed by people close to the victims (80 per cent) and inside the victim's home (57 per cent) The most frequently used weapons were knives, scissors and other household implements (40 per cent). Most cases of femicide resulted from abuse within the family, or else occurred during sexual attacks by known or unknown aggressors.

502. Femicide cannot be explained simply as one more manifestation of general social violence; nor does it obey the same dynamic. As an extreme expression of violence against women caused by gender inequity, femicide requires a specific approach, different than that used to deal with other forms of homicide. The women most susceptible to femicide are 30 years old – the average age of those who died

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[24] Except where otherwise indicated, the information in this section has been drawn from Carcedo and Sagot (2001).

during the 1990s. The explanation for this is that the most dangerous situation was an abusive partnership relation, since femicide most frequently involved partners and former partners (61 per cent).

503. A common feature of femicide, particularly when committed by a person known intimately to the victim, is its brutality, reflecting extreme hatred on the part of the aggressor. This rules out the possibility of accident or self-defence. Underlying this brutality is the aggressors' power over their victims, who are sometimes referred to as if they were a possession. In fact, the particular circumstances in which most women lost their lives between 1990 and 1999 involves breakup with an abusive partner, occurring in the attempt to escape that partner's control. Femicide is a serious problem of citizen security, which, if eradicated, would reduce the frequency of homicides in which women are victims by at least 60 per cent.

504. The punishment for this type of crime is seldom the maximum 35 years' prison established by the Criminal Code for aggravated homicide. Current legislation restricts that punishment to when the couple is married, or have lived together for two years and have raised children. In practice, some cases of femicide may receive 12-year prison sentences, and with good behaviour the perpetrators are set free before they have served five years. It should be stressed that the vast majority (88 per cent) of femicide cases during the decade involved Costa Ricans, with other nationalities only accounting for 12 per cent of the total.

Shelters: an alternative for women victims of violence

505. The risk that aggression implies for women's lives, and the need to guarantee their safety, explain the existence of shelters. The first of these to operate in Costa Rica was a private institution, but later the State also assumed responsibilities in this field. At the present time, INAMU has two shelters operating, one in the province of Cartago and the other in Limón, and it has started to build a shelter in the province of Puntarenas. The management of shelters for women who have been victims of aggression, together with their children, was undertaken by CEFEMINA, an institution with a record in caring for women affected by violence. The service cares for approximately 750 people per year and has nationwide coverage (INAMU, 2002).

506. The demand for this type of service has also increased over time, saturating existing capacity. The number of women provided for rose from 80 in 1995 to 389 in 2000; and the number of children of both sexes covered grew from 200 to 1,026 respectively (Ramellini, 2000; Brenes and Méndez, 2002). In 2002, 358 women and 840 children were cared for (Brenes and Méndez, 2002).

507. Shelters of this type were devised to take in women whose lives are in danger as a result of violence, together with their children of both sexes. Assuming more effective enforcement of legislation, supported by institutional efforts to provide protection for women in their homes, and control and punishment of the aggressors, the need for abused women to have recourse to a shelter should become increasingly rare.

The Domestic Violence Act: an instrument of protection against abuse within the family and between couples

508. Femicide, particularly of the intimate variety, is the tip of the iceberg of daily violence in the family and in relations between couples. An illustration of the extent of this problem is the number of requests for protection measures applied for in the courts since 1996, when the Domestic Violence Act entered into force. When this law began to operate, the courts were saturated by cases of this type, and their number has been rising steadily ever since (Carcedo, 2001).

Table 15

Costa Rica : Requests for court protection orders by Province, 1996-2000 (Absolute numbers and percentages)

	1996		*1997*		*1998*		*1999*		*2000*	
	Number	*%*	*Number*	*%*	*Number*	*%*	*Number*	*%*	*Number*	*%*
Total	5 113	100	15 336	100	20 996	100	26 437	100	32 643	100
San José	1 494	29.22	5 304	34.60	6 873	32.70	9 053	34.20	12 194	37.30
Alajuela	852	16.66	2 742	17.90	3 800	18.10	4 784	18.10	5 552	17.00
Cartago	674	13.18	1 930	12.60	2 470	11.80	2 911	11.00	3 309	10.10
Heredia	560	10.95	1 480	9.60	2 268	10.80	2 769	10.50	3 094	9.50
Guanacaste	483	9.45	988	6.40	1 404	6.70	1 666	6.30	2 113	6.50
Puntarenas	550	10.76	1 485	9.70	1 980	9.40	2 579	9.80	3 248	10.00
Limón	500	9.78	1 407	9.20	2 201	10.50	2 675	10.10	3 133	9.60

Source: Annual Digests of Legal Statistics, 1990-1999; and Judicial Branch Planning Department.

509. San José was the province where the largest number of protection measures were requested and where the proportion has been increasing, in contrast to the trends in Cartago and Guanacaste. Nonetheless, the percentages for each province are broadly in line with their population shares, which may indicate that in principle resources are equally accessible to everyone throughout the country. The figures are also influenced by the effort made by women's NGOs and State institutions to inform the public about the existence of the law and advise women on how to make use of it.

510. The effectiveness of this legal instrument depends on the provisional measures adopted by the judge when protection is requested, being maintained following a court appearance when evidence is received and assessed. This is one of the aspects identified as most problematic, because in 1997 only 19.5 per cent of provisional measures were maintained; and although the situation has been improving, the percentage was still only 29.11 per cent in 2000. In nearly half of all completed cases during the last few years, the judge lifted the initially imposed protection measures essentially because the victim failed to appear in court (68.6 per cent and 70.6 per cent of all cases in which measures were lifted for 1999 and 2000 respectively).

511. Application of the Domestic Violence Act has encountered resistance and obstacles. This is an issue in which prejudices come to the surface, and multiple training activities have been needed, together with intervention by the Supreme Court to give unifying directives. To facilitate this task, the judiciary published an annotated and concordanced version of the Domestic Violence Act (Judicial Branch,

undated) and a procedural manual on domestic violence (Judicial Branch, undated). It also issued a circular drawing attention to a number of basic aspects of the law's application (Judicial Branch, 1999). Despite these efforts, the courts do not employ uniform criteria when applying the Domestic Violence Act, and the likelihood of protection measures being maintained varies greatly (Carcedo, 2001).

512. One of the problems, still not eradicated in the courts, is the practice of holding conciliation meetings between the aggressor and the abused woman. Apart from being dangerous, this procedure is illegal since it is not envisaged in the law (Carcedo, 2001).

513. Both men and women can have recourse to the Domestic Violence Act. Nonetheless, the vast majority of those requesting protection measures are women (89.60 per cent), and the persons against whom measures are most frequently requested are their partners or former partners (86.52 per cent). Most of these women are between 20 and 39 years of age (62.08 per cent) (Judicial Branch, 1999, pp. 3 and 10) – basically women of childbearing age who are living in situations of aggression with their partner. These figures coincide with those on victims of femicide (Carcedo, 2001).

Breaking the silence

514. Although the annual number of requests for protection measures reaches high levels, only a fraction of women victims have recourse to the Domestic Violence Act, or make use of other judicial channels to deal with the aggression they are enduring. The Act protects women only against domestic violence and in courtship relations, but not against other situations of violence such as sexual harassment, rape or aggression by non-family members, or institutional aggression. The existence of institutions and programmes that receive their complaints and provide information, emotional support and legal advice, enables women to learn about the alternatives available to them, particularly legal ones, and obtain guidance in a more comprehensive way (Carcedo, 2001).

515. One of these channels is the 800-300-3000 "Let's break the silence" phone line – a service set up by INAMU that started operating in September 1997. Since its inception it has offered advice and emotional support in dealing with situations of abuse; it has also facilitated access to shelters, arranged police intervention in emergency situations, and made representations before various State institutions when these have failed to fulfil their obligations. The fact that the phone-line is toll-free, available 12 hours a day throughout the year, and has been the subject of frequent publicity, has generated great demand for this service, which expands options for telephone assistance that women's organizations like the Feminist Information and Action Centre (CEFEMINA) and Alianza de Mujeres had been providing since 1988. The number of calls made to the emergency phone line increased substantially during 2000 and 2001, compared to the four previous years: 5,030 in 1997; 8,640 in 1998; 5,188 in 1999; 12,304 in 2000 and 55,327 in 2001. The sharp increase seen over the last two years reflects the growing recognition and publicity of the line's existence, and also the coordination it has enjoyed with the 911 emergency number since 2001. The linkage between the two lines has provided a more direct and comprehensive channel of intervention (Brenes and Méndez, 2002).

516. The characteristics of situations that lead women to seek support from the "Let's Break the Silence" phone line, and the people that need it, are largely similar to those cited in the courts for requests for protection orders against domestic violence, and those involved in femicide. The vast majority of victims of aggression are women - although the percentage has varied from year to year, it has never been less than 93 per cent. Most are young and adult women between 20 and 40 years of age, half are housewives. The vast majority of persons reported as aggressors are men - the percentage has always been above 88 per cent (Carcedo, 2001).

517. Nearly all the calls received by the "Let's Break the Silence" line reported emotional violence, nearly half of them physical violence, one in every three patrimonial violence, and one in 10 some form of sexual violence. The death threats received by one in every four women seeking assistance in 2000, together with the armed attacks that 12 per cent have actually suffered, testify to the seriousness of the acts of aggression which thousands of women in Costa Rica suffer, and the high risk in which they live (Carcedo, 2001).

518. The Office of Women's Affairs, inaugurated by Presidential Decree in 1990, is another organization that many women recur to throughout the year. Having initially been attached to the police and thus dependent on the Ministry of Public Security, this is now an INAMU programme providing information, legal advice and assistance, and emotional support for women and their children. It also administers various State resources.

519. The INAMU Office of Women's Affairs dealt with a total of 5,188 cases during 1999, 4,837 in 2000, and 5,403 during 2001 (Brenes and Méndez, 2002).

520. The reasons that women give for applying to the Office of Women's Affairs show that this is a channel used basically when they have suffered physical violence from partners or former partners, including during courtship. Nonetheless, it is well known that women were frequently subjected to various types of aggression, and sometimes by more than more than one person (Carcedo, 2001).

521. The nationality of women who apply to the Office of Women's Affairs shows that this institution is not restricted to Costa Ricans; the organization protects the rights of all the country's inhabitants, not just its citizens. On the other hand, the figures coincide with the findings of the femicide study, in that most aggressors identified are Costa Rican (85 per cent) (Carcedo, 2001).

522. Given its location in San José, the Office of Women's Affairs is of limited value to women living in other provinces; nonetheless, these still account for 16 per cent of all women making use of the service. Some provincial capitals and localities have Municipal Women's Offices which provide similar support to that provided by the Office of Women's Affairs, although their more limited resources restrict the work they can do. In addition, policy changes tend to affect these offices relatively more, as they depend exclusively on the willingness of each local administration to allow them to exist and provide a minimum level of funding (Carcedo, 2001).

523. The need for support, information and orientation felt by thousands of women in Costa Rica has generated heavy demand on organizations and programmes, whether State or private.

524. The increase in demand for government services by persons suffering violence does not necessarily reflect the quality of the services provided. The Commissioner

for Women of the Office of the Public Commissioner helps to process complaints filed by users of public services alleging shortcomings in service provision (Brenes and Méndez, 2002). Although the Commissioner for Women does not have jurisdiction on situations of domestic violence, an average of 40 women per month appeared at the Commissioner's office. These were always attended to and given information about their rights and the programmes available to them (Office of the Public Commissioner, 2000, p. 246).

525. In addition, the "You're Not Alone" women's self-help groups have attended to over 13,000 women since the first group began to operate in 1988, maintaining a network of groups of this type throughout the country (CEFEMINA, 2001, p.8). The Costa Rican Women's Alliance reported a similar number of women attended in various modalities (Rameilini, 2000, p. 43). In general, the information and reflection mechanisms that women's organizations provide throughout the country are opportunities that are taken up by abused women to start to talk, obtain information and gain strength.

526. Efforts by the various organizations involved in this field resulted in major dissemination of the rights and resources available to women for dealing with the violence they have to endure. This made it possible for thousands of them to find out about the Domestic Violence Act and take advantage of it, thereby producing substantial changes in their lives.

527. It is important to highlight the conclusions reached in terms of the social, cultural and institutional context by the study carried out by the PAHO/WHO Programme on Women, Health and Development (PAHO/WHO, 1999) on "The Critical Path of Women Affected by Domestic Violence (Costa Rica)":

- In recent years a major cultural and institutional change has taken place in Costa Rica, in terms of making domestic and sexual violence visible, denouncing and facing up to it, which was started by women's organizations. The emergence of private organizations and programmes to support abused women and children, together with changes in the legal status of women, and the formulation and implementation of State plans at sectoral and national level, have been matched by greater understanding of the problems of domestic violence and an attitude of greater solidarity with persons subject to abuse. These factors of change have allowed more and better-quality information to be made available on rights and resources for dealing with aggression; they have generated a positive climate for persons wishing to break free from the aggression cycle, and have encouraged support from family members, close friends and institutions, thereby fuelling the hopes and determination of the women interviewed.
- The work of reporting offences, information, prevention, attention, punishment of aggressors, training, campaigns and other activities which in the area of domestic violence has been done by NGOs and government agencies, has sunk into the consciousness of most care providers and community members interviewed. Although many of their perceptions of domestic violence are somewhat vague, and several myths, prejudices and stereotypes persist; there is basically a positive attitude towards understanding the problem and acting against it. This is also seen in an openness to assimilate the wide range of types and forms of domestic violence that occur, and especially the possibility of recognizing them

increasingly close to home and not simply as someone else's reality. There is still insufficient discussion in relation to sexual and patrimonial violence within families, despite its existence in latent or concealed form. It can also be seen that psychological and emotional violence is starting to be talked about and punished, with the same level of importance and rejection as physical violence.

- In terms of the institutions studied on the basis of information provided by male and female care providers, it can be seen that each one is fully complying with the functions assigned and some are saturated by an excess of responsibilities or activities to cover. In this reality, domestic violence, as a phenomenon that needs to be worked on, involves staff of both sexes in various employment situations and frames of mind. Some are very willing and conscientious about their task, others overwhelmed, despairing or indifferent; some are bogged down in routine activities, others have a wide variety of tasks. In some cases, all of this is aggravated by situations of institutional change resulting from restructuring, mobilizations and electoral calculations.
- The non-existence in public institutions of care programmes or models specializing in domestic violence, means that providers have to improvise. So a victim of abuse who requests support may receive a favourable or unfavourable response, possibly even a re-victimizing one, depending on the individual who attends her case.
- Increasing awareness of the problem of domestic violence is reflected in efforts, especially individual ones, by providers to offer better forms of attention for abused victims. But it is not sufficient for women simply to be made more aware; additional information is needed, together with training and clear institutional policies, since good intentions badly channelled or poorly directed may be equally harmful for the women's process.
- The absence of models and programmes to care for abused women also makes practices such as referral largely unsuccessful; and frequently women find themselves having to expose themselves unduly, without obtaining positive responses that meet their needs.
- The absence of suitable training in domestic violence means that service providers from institutions in various sectors find it hard to understand and respect the specific processes that abused women live through; they fail to understand their manifestations, or find many of them contradictory. This situation has a profound effect on the attitude and type of care that can be provided; in addition to any prejudices and stereotypes staff may carry with them when attending to abused women.
- Some believe that their main function with regard to a women that has suffered aggression is to make them see, create an awareness of the problem. Despite good intentions, they put themselves in a position of authority and advantage over the victim – an authority given to them by their professional, institutional status and external knowledge. This prevents them from concentrating on listening, to see what solution alternatives are possible, and what contribution they can make towards this without putting pressure or imposing conditions on the woman. By offering advice they

imagine they are solving the situation for an abuse victim, whereas, in reality, when she returns without any significant change in her situation she feels let down. The advice they give basically requires the woman, directly or indirectly, to take actions that are not necessarily within her power, preventing the development of her own protagonism.

- Frequently in the relationship between the care provider and the abuse victim, maternal or paternal-type relations develop in which female providers in particular believe their role is to resolve the problem of aggression, and they start to see their "clients" as invalids, incapable of making changes and seeking ways to escape abuse for themselves. They confuse giving emotional, professional and institutional support, with solving women's problems for them; they assume an inappropriate level of protagonism which creates dependency and confusion among the women victims and is counterproductive for their process.
- Cases of domestic violence against women may make female providers vulnerable or affect them from their own experience. They may provoke subjective reactions towards the women seeking their support, by reflecting something of their own history: their life dependencies, a life of constantly giving, sustaining a marriage, being a good mother, giving oneself to others, self-denial, impotence, hope. In this regard, highly varied feelings may arise involving rejection, anger, maternal-affective involvement, and others, towards the abuse victims. In the case of male staff, their position as men makes them outsiders, unable to put themselves in the shoes of the women victims, failing to understand their attitudes, and questioning everything that is presented with conflicting details in the process endured by women who have suffered aggression.
- Despite the most frequent mention of aggression or violence by partners, and the fact that women are most often the victims, it is this type of domestic violence which, in terms of language use, is less well defined and on which there are more reservations. There is a tendency to talk of inter-partner disputes or violence between spouses – even the term partner treatment has been suggested. This reflects the fact that a relationship of this type involves two adults; reality and myth at the same time, which usually makes it impossible to discern the power relationship and dominance of one person over the other (predominantly the man exercising power over the woman); the factors that provoke the conflict and manifest themselves in the relationship, and also the reasons that legitimize within it expressions of violence as valid means of resolving the dispute, and in the context of daily life. This often gives rise to major conflicts that can even result in the woman's death, which are known as crimes of passion.
- There is a marked tendency to blame women for the aggression they are subject to – for not imposing limits, for allowing it. In contrast aggressors are not usually named as major participants, and they are excused by default, or by the symbolic or concrete contents with which their actions are explained, which ultimately reflect affirmative values associated with masculinity.
- Violent actions and aggression in general by offenders tend to be viewed as pathologies. The terms used speak of conducts (even the possibility of

sanctioning or punishing them to modify violent conducts); problems of alcoholism, drug addiction and even machismo. There is no in-depth questioning of the patriarchal powers and structures that underlie and reinforce its existence as positive values of masculine identity, even confirming virility.

- Given ideological saturation, and based on the various ways in which domestic and other forms of violence against women are being understood, the advisability or otherwise of continuing to use terms such as "cycle of violence", "learned helplessness" or "battered woman syndrome" which were developed in an attempt to understand the dynamics of many violent relations, need to be reassessed. These terms are rapidly being incorporated into stereotyped revictimizing discourses for women. In some discourses on violence, this cycle is being interpreted as a cause of violence rather than a mechanism or patterns that occur in a violent relationship. This interpretation follows from the basic ideological perception of domestic violence as something we have inherited naturally, which is cyclical and generational and which, like a skin blemish, nobody is responsible for causing. The concepts of learned invalidity and battered woman syndrome are sometimes used to insinuate a shortcoming in the woman, or worse still a psychological weakness that can even undermine her as a mature person, mother, wife – a condition that has shades of mental disability. This once again underlines the need to carefully analyse the concepts or terms that are applied or used to refer to a given situation, because more than a semantic or technical point, or an issue pertaining to a given discipline, when these terms are used or applied they may imply ideological re-interpretations with potentially negative consequences for the women themselves.

National system of care and prevention of domestic violence

528. The National System of Care and Prevention of Domestic Violence began to operate in 1997, under Executive Decree 26664 of 19 December 1997, which was subsequently ratified by the Rodríguez administration through Decree 27706 of 9 August 1999. The system is coordinated by INAMU with participation from 23 institutions, organizations and bodies working in the field of domestic violence. It involves eight government ministries, five autonomous institutions, the judicial branch and four State agencies, two representatives of civil-society organizations and one representative from local care and prevention of violence networks. The system fulfils a number of functions, which are set out in detail in annex 5, to fulfil the responsibilities assigned to it. This is organized through six programmatic channels, namely policies, inter-institutional coordination, monitoring and evaluation; detection; care; prevention and promotion; access to support resources; and inter-learning.

529. In addition, a number of elements of progress have been identified in the institutionalization of public policy towards domestic violence during the period 1998-2001 (Brenes and Méndez, 2002), namely:

- Adoption of an ethical-conceptual framework on domestic violence and violence against women, which guided public and private efforts to guarantee full exercise of the right to a life free from violence.

- Responsibility assumed by most governmental institutions with competencies in the field of domestic violence. Exceptions to this commitment include the Ministry of Labour and Social Security (MTSS) and the Ministry of Housing and Human Settlements (MIVAH).
- Institutionalization of care and prevention services through application of the rules and protocols that had been developed in the education, health, justice and judiciary sectors.
- Creation of specialized structures or institutions that develop institutional capabilities for care and prevention of violence. For example, the Comprehensive Care Programme for Domestic Violence (PAIVIF), the Health Sector Directive Council and the Gender Violence Area of INAMU.
- Expansion of the Municipal Women's Office Network, which makes a valuable contribution to the dissemination of women's rights and government policies and programmes, including those relating to care and prevention of domestic violence. At the present time 41 municipal women's offices are functioning.
- Expansion of local networks for care and prevention of domestic violence, with participation from government institutions, along with women's organizations and other social agencies.
- Exploitation of the expertise of organizations for the provision of care services financed by INAMU or other institutions; for example, operating the emergency phone line, managing shelters, training institutional staff, among other things.
- Strengthening of the inter-institutional coordination culture, which has consequences for the services being offered. For example, recognition of police failings in meeting their obligations under the Domestic Violence Act led to the creation of an Institutional Promoters Commission in the Ministry of Security.

530. Progress was also noted in the intervention channels of the National System of Care and Prevention of Domestic Violence (Brenes and Méndez, 2000):

- Detection: progress in the records that have to be used for reporting cases of violence, especially in health and education, people with disabilities, and so forth.
- Care: expansion of services in terms of geographic and demographic coverage. For example, CCSS has extended services for adult offenders, together with group-care services for victims of violence.
- Prevention: increase in the number of actions promoted by different institutions and bodies. The "Campaign for a Life Free from Violence" was maintained, together with the campaign aimed at specific population sectors (children, adolescents, disabled persons, women living in poverty, pregnant teenagers or teenage mothers, and the public that attends works of dance, theatre and exhibitions in the national archive).
- Access to resources: progress only in access to shelters, a new one having been built in Puntarenas. IMAS included scholarship awards for families with school-age children.

- Inter-learning: training and awareness building increased among staff working in care and prevention of violence at MEP; the Ministry of Health, CCSS, MSP, and in the judiciary.

531. The INAMU Gender Violence Area developed a training plan mainly targeting Local Care and Prevention of Domestic Violence Networks, while also addressing the needs of workers in the justice sector and police, the childhood and adolescence sector, women's organizations involved with domestic violence, and others. A total of 51 training actions were carried out during 2000-2002, involving 1,552 participants (Brenes and Méndez, 2002).

532. Municipal Women's Offices (OFIMs) across the country have provided basic support for women living in situations of violence (Brenes and Méndez, 2002).

533. The Costa Rican Social Security Fund (CCSS) is another of the institutions that has provided training for its workers, both male and female, covering a total of 1,250 to date. It has also managed to implement the comprehensive care model on domestic violence in 40 community networks nationwide, channelled through care given in the various Basic Comprehensive Health Teams (EBAIS) and the following specialized hospitals: México, Calderón Guardia, San Juan de Dios, Blanco Cervantes and the Psychiatric hospital (Brenes and Méndez, 2002).

534. For its part, the Ministry of Public Education has strengthened its work on domestic violence, with many of its staff, both male and female, receiving training in prevention and care. Figures up to September 2001 report a total of 659 staff trained in schools in the different education regions throughout the country (Brenes and Méndez, 2002).

535. The Ministry of Justice also carries out tasks relating to care and prevention of domestic violence. In the prevention area, its actions are coordinated by the National Office for the Prevention of Violence and Crime, which, among other aims, promotes social relations displaying equity, solidarity and social cohesion, and the development of a culture of prevention of violence and crime, thereby contributing to a better quality of life for all inhabitants. All of this involves inter-institutional and inter-sectoral work, with actions to support community networks and organizations, social promotion and awareness building, research, training and advisory services. One of its priority projects is the National Youth Network for the Prevention of Violence, promoted in secondary schools (Brenes and Méndez, 2002).

536. Prevention work is also carried out by the Office for Control and Classification of Public Spectacles, which regulates all activities stipulated under Act No. 7440 in order to protect children from exposure to content considered unsuitable for their psychological and social development (Brenes and Méndez, 2002).

537. The General Social Adaptation Office has a Care for Violence Area, which runs a number of projects with actions for detection, awareness-raising, treatment and monitoring of the offender population in the National Prison System. It also works with prison inmates of both sexes who are being held for domestic violence. Also within the National Programme on Care for the Juvenile Prison Population, there are several projects for juvenile physical and sexual offenders (Brenes and Méndez, 2002).

538. The National Children's Office also sponsored 120 campaigns on violence prevention during the previous year, and has now dealt with a total of 5,000 cases of domestic violence (Brenes and Méndez, 2002).

539. The National Apprenticeship Institute has made a major effort to reach persons affected by domestic violence among students enrolled on its courses. Nonetheless, it still has no processed data on the coverage of services for that sector of the population – only on the total number of women attended to by the institution, and the 175 teenage mothers who participated in the Construyendo Oportunidades programme during January-May 2000 (Brenes and Méndez, 2002).

540. The National System of Care and Prevention of Domestic Violence faces the challenge of coordinating information generated by the institutions, in order to facilitate analysis of the incidence of domestic violence and coverage of the services offered (Brenes and Méndez, 2002).

Sexual violence, forced pregnancies, unsafe abortion

541. The fact that any woman is at risk of being sexually attacked by a man with whom no prior relationship exists, whereas the reverse situation is highly unlikely, shows that sexual violence is one of the forms of aggression against women based most clearly and explicitly on gender inequity. It entails exercise of masculine control over a woman's body and sexuality, which robs her of integrity and autonomy. Sexual violence is manifested in various forms. It occurs both in physical and material terms as well as in symbolism; and it ranges from direct corporal attack involving rape to language use in sexual harassment, which may range from the overtly aggressive to the extremely subtle (Carcedo, 2001).

542. The gender bias in sexual violence is clear. In 2000, 98.1 per cent of calls to the 800-300-3000 phone line in which sexual violence was discussed, a woman was mentioned as the object of the aggression, and in 98.5 per cent a man was identified as the aggressor (INAMU). In addition, men account for between 97.8 per cent and 100 per cent of those found guilty of sexual crimes between 1991 and 1999 (Judicial Branch, 1991-1999).

543. The unidirectional nature of sexual violence is not casual. Sexuality is the field in which the asymmetric power relations between men and women are most polarized; it is also the area in which male domination of women as a social group is most overt. Male sexual aggressors act as if they were entitled to possess any woman. It is not by chance that both men and women use terms such as "possess" or "use" to denote sexual relations with a woman.

544. Not all forms of sexual aggression are considered offences under the current Criminal Code. Nonetheless, a number of recent reforms have expanded the range of sexual aggression against women that can be reported as a crime, especially when young girls are involved. An example is paid sexual relations with underage girls, which includes the "clients" (exploiters really) of young and teenage girls who are sexually exploited (Legislative Assembly, 1999).

545. The number of complaints filed for sexual offences grew continuously from 1991, to account for between 3.4 per cent and 4.1 per cent of all crimes reported every year. The crimes most frequently denounced were dishonest abuses and rape (1,434 and 1,209 cases respectively in 2000). The rising number of such complaints does not necessarily mean that sexual aggression increased; it could simply be that

women feel themselves more entitled to seek justice, and that they now find greater sensitivity to this type of aggression in legal offices. During the decade a lot of work was done to disseminate information and enhance visibility and the surveillance carried out in this area, both from women's organizations and State institutions. This is probably also bearing fruit in terms of the reporting of sexual offences.

546. The social norms applied to men and women in terms of sexuality have not only been different but sometimes have even become antagonistic. Culturally it is accepted that women are passive while men take the initiative; sexual activity attracts condemnation for women but is a source of pride among men. Until quite recently Costa Rican legislation was overtly discriminatory in this field, punishing women more heavily than men in cases of adultery, or requiring women – and only women – to be virtuous to be able to defend a sexual offence complaint.

547. Similarly, sexual advances towards a woman, even when they are unwelcome, have not been considered offensive in themselves. On the contrary, flirting, sexually-meaningful looks or flattering remarks, have traditionally been viewed as natural male behaviour, for which women as targets should feel proud. Moreover, sexual coercion – i.e. offering a job or academic advancement in return for sexual favours, or threat of punishment if a sexual demand is denied – are seen as acts provoked by women rather than by the sex with the power to impose this type of charade. Behaviour of this kind has been classified as sexual harassment by the world women's movement, and denounced as a form of violence against women based on gender inequity. Sexual harassment is one of the most common manifestations of sexual violence endured by women in any public or private space, and has a variety of implications. For those on the receiving end, it represents aggression that could lead to physical and emotional distress, together with negative consequences for their work or studies. Proving the violent nature of sexual harassment has always been difficult in Costa Rica, and remains that way since approval of the Act on Sexual Harassment in the Workplace and in Education in 1995. Proof of this is the prejudice that persists against women who lodge complaints, and their stigmatization as "problem" women (Office of the Public Commissioner, 2001).

548. One of the possible consequences of sexual aggression is undesired pregnancy, which represents another example of the power imbalance that exists between the genders. Often such pregnancies are the outcome of rape, incest and other types of abusive relations in which gender combines with differences in age, power or experience, or involves a position of authority or trust on the part of the abuser. A study published in 1992 revealed that most expectant teenagers were made pregnant by an adult (Costa Rican Association of Demographics, 1992).

549. Given this consequence of sexual aggression, women face the dilemma of prolonging the abuse with a forced pregnancy or interrupting it with an abortion. If they choose the latter, they risk not only social opprobrium, but also criminal sanctions. About 40 allegations of abortion have been made per year since 1991. The number of people sentenced each year (women who undergo abortions and the men and women that perform them) is far fewer, however, and under 50 per cent of those sentenced are actually punished. Nonetheless, punishments fall almost exclusively on the women (20 out of 21 in the decade). When pregnancy is the outcome of sexual abuse, punishment merely compounds the aggression (Annual Digests of Legal Statistics, 1990-1999, and Judicial Branch Planning Department).

550. In 1993 it was estimated that 8,500 clandestine abortions were performed in Costa Rica (Revista Rumbo, 16 March 1993, quoted by Carcedo, 1993, p. 18), which shows that unwanted pregnancies are a reality for many women. In addition, as widely stated by the women's movement, criminalization of abortion introduces additional risks for the health and life of those undergoing the procedure in clandestine circumstances, given the poor medical conditions and lack of hygiene in which this type of intervention is usually carried out. It also entails clear social discrimination, because those who have the means can leave the country to terminate their pregnancy in another country where the practice is legal, without having to risk their health, life and liberty through a clandestine abortion in Costa Rica.

Sexual harassment in the workplace and in education

551. Another form of gender discrimination that affects women's personal, educational and employment development, is sexual harassment. This is defined as an act with sexual connotations that is rejected by the person to whom it is directed. Since the promulgation of the Act on Sexual Harassment in the Workplace and in Education (No. 7476), this form of violence has had a higher profile, and the number of cases of sexual harassment in the public sector has been rising steadily – doubling in the year following the act's entry into force (Office of the Public Commissioner, 1996).

552. In the education sector, some of the main manifestations were revealed through interviews with university students. These included sexually oriented vocabulary (22 per cent), lascivious looks (18 per cent), display of pornographic material (7 per cent), obscene flirtation (7 per cent), request for sexual acts (4 per cent), and touching (4 per cent) (survey carried out among 385 students in private universities, reported in Flores Villareal, 2000).

553. And the present time, women working in the private sector are more vulnerable, since they have less access to information and support services. Other difficulties stem from the fact that sexual harassment is not criminalized, and the regulations sanctioning it tend to be poorly enforced. When harassment is reported, the women concerned face major difficulties in the way the process is carried out, since this puts emphasis on conduct by the victim rather than the offender. The problem is made worse by a general lack of awareness among society on sexual harassment, and the absence of support services for victims. Moreover, the Ministry of Labour has not yet assumed its inspection duties in terms of verifying the existence of regulations on sexual harassment in firms and punishing those that do not have them (INAMU, 2002).

554. The discrepancies that exist between the letter of the law and its interpretation weaken the right and undermine the effectiveness of guarantees. The fact that a three-month prescriptive deadline is established for investigation, which means that when the period has expired without the investigation having concluded the case must be shelved, has resulted in many reported cases going unpunished with the victims receiving no reparation. For example, all cases in the Ministry of Education with dismissal recommendations that have to go through the Teacher Career Tribunal were left in this situation, since the tribunal applies that criterion and orders the cases to be shelved (State of the Nation Project, 2001). A ruling has also been issued by the Constitutional Chamber stressing the importance of dissemination and awareness-building amongst teaching, administrative-teaching

and administrative staff on the law and regulations concerning sexual harassment. This task is carried out by the Ministry of Public Education in conjunction with INAMU and the Public Commissioner's Office at regional level. A further restriction applies in the private sector, where victims who lodge complaints do not form part of the process, but are mere witnesses once the investigation mechanism has been activated (State of the Nation Project, 2001).

555. These shortcomings may also explain why so many cases processed through administrative channels were not referred to the courts, where the number of cases outstanding are minimal (State of the Nation Project, 2001, p. 285).

556. At the present time the Legislative Assembly is considering a draft reform to the Act on Sexual Harassment in the Workplace and in Education, which aims to overcome some of these shortcomings.

Violence against women who are particularly discriminated against

557. Violence is a reality that all women experience at some time of their lives, as a result of their gender status. It is not surprising that those belonging to groups or sectors that are particularly marginalized by society are sometimes a preferential target for aggression, or that they also experience specific forms of aggression. These are expressions of violence that sometimes remain invisible or else are brought to the fore mostly by the women themselves who have endured the situation and have organized themselves to tackle the problem and provide support to others. Examples include sex workers, domestic employees, older women, Afro-Costa Rican women, indigenous women, female prison inmates, those that suffer from some disability, lesbians, or migrants. None of these women is free from the risk of domestic violence, sexual aggression by persons known to them or otherwise, or sexual harassment. On the contrary, in addition to these forms of aggression there is also the risk of violence arising from membership of a given social group (Carcedo, 2001).

Institutional violence

558. Violence against women based on gender inequity is not only perpetrated by individuals. Institutions are also potential conduits for this type of aggression through their policies, and the behaviour of their staff members of both sexes. The unequal power relation that tends to exist between institutions and the public at large is easily magnified in the case of women, especially in those who for some reason are social outcasts, in particular, when they are abused or seek help to deal with the aggression they are facing (Carcedo, 2001).

559. This phenomenon, known as re-victimization, is universal and manifests itself in various forms including: not believing the women; non-fulfilment of legal obligations; taking the side of the aggressor or covering the situation up; verbal abuse; humiliation; disdain; censure and questioning women's suitability as mothers; taking their children away from them; making any support conditional; sexual harassment and abuse. In Costa Rica, this problem was brought to light in a number of investigations (Carcedo and Zamora, 1999 and Delgado, 2000), and has been reported on many occasions by women themselves and by the organizations and the institutions that defend their rights.

560. It is not only State institutions that perpetrate violence against women. Private organizations are also guilty, including firms, associations or churches. There is

clear symbolic violence exerted from and in the communications media, which portrays women in a stereotyped form, or as continual targets for physical, emotional and sexual aggression.

561. These are not the only forms of State institutional violence that women endure, but merely the ways in which gender violence leading to active forms of aggression have so far been made visible.

Article 13:
Finance and Social Security

Article 13: States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

a) The right to family benefits;

b) The right to bank loans, mortgages and other forms of financial credit;

c) The right to participate in recreational activities, sports and all aspects of cultural life.

The right to bank loans, mortgages and other forms of financial credit

562. The size and nature of the enterprises through which poor women provide for their basic personal and family subsistence needs, do not satisfy the conditions and requirements for access to conventional credit. The information available on services provided to this population by non-conventional financial organizations showed that the amounts tend to be small – between US$ 150 and US$ 700 – the maturities short, interest above market rates and coverage very sparse. In addition, there was a major deficit in terms of labour training and technical assistance available for self-employed women and female micro-entrepreneurs (INAMU, 2000).

563. Costa Rican legislation guarantees the legal capacity of women to obtain credit, mortgage, sell and undertake commercial transactions, without imposing conditions different than those required of men. Nonetheless, many women find it hard to obtain credit or mortgages, since they do not possess immovable assets in their own name; because a significant portion of family assets are registered in the name of the husband or partner, and they cannot provide income records or guarantors to back them (INAMU, 2000). The majority presence of women in low-productivity or "simple accumulation" sectors, forces us to address the issue of "relations among the poor" – an aspect that State banks ignore.

564. In addition, State banks and cooperatives are organized according to male-centred criteria that view the man as the economic subject. For all these reasons, procedures are complex, working hours incompatible with women's double working day, and payment systems unsuited to women's possibilities (INAMU, 2000). This was verified through two nationwide consultations on credit for women sponsored by INAMU in 2000.

565. Most banks do not disaggregate their records by gender, which makes it difficult to ascertain the volume of loan and mortgage applications by women. The only figures come from banks that have credit portfolios specifically targeting women. Although these exist to promote microenterprise development, their access

requirements and conditions tend to be incompatible with the reality of women's enterprises and own-account subsistence activities (INAMU, 2000). Banco de Costa Rica has a credit line for women, which extended 689 loans in 1992-1996 totalling US$ 1,907,881.52 for an average of US$ 2,769.06. This bank also runs the CREDIMUJER fund, an NGO that extends credit to women (INAMU, 2000).

566. The gender distribution of the total loan portfolio outstanding at Banco Nacional de Costa Rica for 1995-2000 showed that women absorbed 18.72 per cent, while men accounted for 74.6 per cent. In terms of loan amounts, the gender gap was larger still, as women receive 9.4 per cent of funds compared to 41.8 per cent for men (the remainder being allocated to legal entities). Thus men not only received a larger number of loans, but also in larger amounts (State of the Nation Project, 2001).

567. Banco Nacional de Costa Rica has specific credit lines catering for the small business and microenterprise sector. Between 1999 and 2000, the percentage of credits from these lines extended to women grew from 20.3 per cent to 26.41 per cent (State of the Nation Project, 2001).

568. In 2000, INAMU and Banco Nacional de Costa Rica signed an agreement to channel some 350,000 colones towards women's microenterprise. During the same year the Cabinet issued a instruction for State banks to specially promote lending to women (INAMU, 2000).

569. It should also be mentioned that the Ministry of Labour and Social Security initially allocated around US$ 345,000 from the funds of the National Microenterprise and Small Business Support Programme (PRONAMYPE) to support productive initiatives by beneficiaries of the Programme of Services for Women Living in Poverty, established under the Act of the same name. These funds will be assigned annually, since a total amount of no less than US$ 1.035 million is envisaged for this purpose over a three-year period starting in 2000 (INAMU, 2000).

570. During April 2002, the Comptroller General of the Republic approved the creation of a trust fund for the Joint Institute for Social Assistance (IMAS), in the framework of the Act on Services for Women Living in Poverty (No. 7769) and its amendments, to extend credit to this sector of the population. The challenge now is to make sure the funds are preferentially channelled to promote women's microenterprises, and to ensure that IMAS incorporates the gender perspective into its Operational Strategy for Women's Services in the training, support, planning and technical advice it provides for women.

571. The Small Business and Microenterprise Strengthening Act, passed on 24 April 2002, created a Special Fund for the Development of Small and Medium-Size Business and Microenterprise (FODEMIPYME) in the Banco Popular y de Desarrollo Comunal. It is important that this bank incorporates a new technology relating to information use and incentives. This should be premised on the fact that, for women, home and business is a single entity; and it should assess capacity and willingness to pay on the basis of information on the potential borrowers, rather than guarantees.

572. Financial support for women's efforts to develop their entrepreneurial capacity is in short supply, despite the diversity of public and private bodies and international cooperation that run specific programmes to support microenterprise. An additional problem is the scant degree of coordination between organizations and the absence

of appropriate records on the impact of programmes, which makes it hard to analyse trends over the decade (State of the Nation Project, 2001).

573. A recent study on Microenterprise in Costa Rica during the 1990s (PRONAMYPE and PROMICRO/ILO undated), analysed the evolution of the non-agricultural labour market and stratified it within small-scale activities according to their productive potential. The study highlighted the increasing role played by female entrepreneurs:

a) In 1998, as many as 84,000 women were engaged in business activities, almost twice the number recorded eight years earlier, when 45,000 women were participating in this type of labour-market activity.

b) As many as 96 per cent of them were engaged in microenterprises (firms with between one and four female workers); 84 per cent of them were self-employed.

c) Up to 59 per cent of the businesses of self-employed women were in the subsistence category, encompassing 94 per cent of all women living in poverty.

574. The socioeconomic conditions of poverty in which the women who run these micro-enterprises survive, made it necessary to create a National Collateral and Guarantees Fund with mechanisms to facilitate and channel credit under differential conditions, in order to:

- Ensure the availability of credit, appropriate interest rates, guarantees and accessible maturities.
- Minimize risk in channelling resources to this sector with high economic vulnerability.
- Attract financial intermediaries with experience in serving the needs of women entrepreneurs.
- Manage special funds that are protected from inflationary processes.

575. The fund should also provide permanent support and assistance during loan repayment, to guarantee the investment and prevent arrears. The cost of this should be covered through other funds, to prevent the credit from subsidizing technical assistance.

Article 14:
Rural women

Article 14: States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

a) To participate in the elaboration and implementation of development planning at all levels;

b) To have access to adequate healthcare facilities, including information, counselling and services in family planning;

c) To benefit directly from social security programmes;

d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

e) To organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment;

f) To participate in all community activities;

g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Poverty mainly affects rural women

576. In Costa Rica, poverty mostly affects the rural area and regions outside the Central Valley, in terms of households generally and those headed by women. The urban and rural zones both showed a similar pattern of widening differentials. Nonetheless, both total poverty and extreme poverty are more prevalent in rural than in urban areas (State of the Nation Project 2001).

577. There are also differences between region, with Chorotega and Brunca recording the highest poverty rates in 1999. Nonetheless, the differences between male and female heads of household (about 10 percentage points higher among women) were similar to those seen in the Central region and the Central Pacific. Despite not having the highest poverty rates, the Huétar Atlántica region nonetheless displays the largest differential between male and female household heads. This also applies among households living in extreme poverty. The differences amount to 17 percentage points among poor households and 10 percentage points among those living in extreme poverty (State of the Nation Project, 2001).

578. Poverty incidence among rural women is variable, but for those engaged in primary self-consumption activities the figure runs as high as 40 per cent (Trejos, 2000). Accordingly, State actions to counteract the effects of poverty need to prioritize small-scale producers; official figures do not appear to show that this is happening, however.

579. Of the total number of producers covered by the MAG Agricultural Services Agencies, only 20 per cent are women. The percentage is quite similar across regions and has not varied greatly in the years for which information has been available.

580. As regards the Productive Restructuring Programme, its results do not seem to reflect a willingness to give preferential attention to women on a sustained basis, and their percentage varied between 21.5 per cent and 16 per cent between 1997 and October 2000. Throughout the programme execution period (April 1996 to October

2000) the benefit displayed major differentials by region, with women recording the greatest presence in Huétar Atlántica and Huétar Norte. In the very poor regions of Brunca, Chorotega and the Central Pacific, however, which have a large proportion of female-headed households, women producers gained little benefit from the programme.

581. These limited benefits reflect the small proportion of women who own land. The Act Promoting the Social Equality of Women (1990) established that both land and housing should be considered family property, with equal rights for both parties. Perhaps the most important element is that common-law marriages (i.e. couples living together) are now legally recognized for the first time.

582. As a result of application of this legislation, in 1990 about 39 out of every 100 women were beneficiaries of individual land titling (Arias Foundation for Peace and Human Progress). In 1994, the Supreme Court ruled unconstitutional an article contained in the Act, which required property to be registered in the name of the woman in the case of common-law marriages. The ruling declared that, even in such cases, land should be registered in the name of the couple.

583. According to information provided by the National Titling Programme of the Institute for Agricultural Development (IDA), of the total number of deeds executed from May 1998 to May 2001 (10,590) during the Rodríguez Echeverría administration, 26 per cent were registered in the name of men, 25.4 per cent in the name of women and 48.6 per cent in the name of couples.

584. Access for rural women to credit granted through the Rural Credit Department of Banco Nacional de Costa Rica (BNCR) was also limited. The study by Chiriboga, Grynspan and Pérez (1995) found that of 8,000 credit operations in 1991 only 20 corresponded to women. Moreover, 50 per cent of these were in fact used by men, who formalized the loan in the name of a woman, generally their wife.

585. Figures from Banco Nacional de Costa Rica showing the distribution of the balance of the Juntas Rurales portfolio record a total of 13,328 credit operations for 2000, equivalent to 11,564.00 million colones. Women had a 3.45 per cent share in the total number of operations, and received 3.80 per cent of the total amount lent. For the first half of 2000, the total portfolio reported by this State body amounted to 12,103 operations, totalling 11,933.73 million colones. Women obtained 8.56 per cent of the total number of operations for the first half of 2002, and 8.68 per cent of the total amount.

586. A study by the National Coordinator for Work with Peasant Women (CNTMC), on the supply and demand for credit among rural women producers in Costa Rica, concludes that Peasant Economic Units (PEUs) have adapted or been reconditioned as part of the historic struggle for survival in the face of the challenges of the rural sector and the national economy. This situation operates outside the logic of capitalism, since peasant farmers, whether male or female, do not pursue high rates of return but strive to maximize the earnings of their labour force. Credit, as a component of rural capitalist development does not always respond to the needs of PEUs. In this regard, the definition of a Rural Financial System does not resolve the global problem of rural production by small-scale producers. Under these conditions, the challenge is to create a system adapted to the needs of peasant farmers, which should be based on restructuring among PEUs themselves. Motives for the demand for rural financing by female producers inevitably include repayment

of a debt, productive processes of various types, and even household expenses that make it possible to maintain the family unit. These needs are mostly put forward jointly and immediately, because often a production loan has been used to cover health, education or other expenses; or else the urgent need for production finance has meant forgoing basic family reproduction needs. Very occasionally, financing is sought to pay wages, but this need is greater in the case of a female household head who is also the provider, since she generally has to divide her time between productive and reproductive tasks. In many cases this does not yield enough for two working days, and in other cases forces her to perform more profitable off-farm tasks, earning income to buy inputs for production and to hire labour (CNTMC, 1999).

587. The lack of an explicit credit policy targeting women, made access more difficult for peasant women, who, in addition to their gender status, also suffer from their classification as small- or medium-scale rural women producers. Entities that report not having a credit policy for women do not recognize the gender inequality that exists in terms of access to land, property, and other productive resources (in this specific case, credit), from which women have traditionally been excluded. This exclusive rationale in defining credit policies reflects the market conditions that govern most bank and non-bank institutions (CNTMC, 1999).

588. Another feature of the credit panorama for women is the rapidly declining trend in alternative lending programmes supported by non-reimbursable international cooperation, and the belief that credits extended to peasant women through this channel are much more frequent (CNTMC, 1999).

589. Having identified the problematic access for women to rural or productive financing as a critical issue, CNTMC drafted a proposal for a Rural Development Financial System that would include special conditions for rural women producers, and strike a balance between solidarity (producer needs) and sustainability (financial efficiency); the system should not have profit as its prime motive, it should be adapted to the needs of rural women producers; and it should involve participation from peasant women and their organizations (Bonilla Leiva, 2001).

590. Access to productive resources for rural women is seen as an integral part of rural development – in which there is broad female participation. From this standpoint, it has been possible to incorporate explicit policies benefiting rural women in key areas, such as access to and control of land, natural resources, rural financing, technology transfer and training services. There is still much to do, however, to ensure fair access for women to labour markets (agricultural and non-agricultural employment) and to State marketing and agribusiness services. Access to these factors is considered a necessary condition for productive activities to enter into national productive restructuring plans and become competitive and sustainable. At the present time the aim is to make the work of female producers visible through official accounting of the productive and reproductive work carried out by rural women, and its inclusion in the national accounts; and, on the basis of this, extend social security coverage to all rural women (full coverage of health, pensions for disability, old age and death, etc.) (INAMU, 2000).

591. A number of strategic affirmative actions to facilitate women's participation in markets for resources and services include assuring women priority access to the credit and land funds that are being set up in all countries, while guaranteeing

information and State technical assistance to enable them to operate in those markets, among other things (Blanco et al, 2001).

592. Costa Rican agricultural policy establishes that for the modernization of credit systems, present conditions guaranteeing equal access for women, young people and indigenous groups need to be upgraded (SEPSA, 1999). For this purpose, a Rural Credit Programme was created, which "guarantees access for rural producers of both sexes to timely credit, appropriate to their needs; in the case of women, ensuring flexible requirements for access to financing programmes under equitable conditions (Executive Secretariat for Agricultural Sector Planning - SEPSA, 1999).

593. The Agriculture and Rural Sector Action Plan, of the Ministry of Agriculture and Livestock (MAG), reviewed and updated regulations in public institutions on access to credit by women and rural youth for the financing of productive projects. Agreements will be signed with banks for this purpose (Agricultural Sector, 1999).

594. There are at least three aspects of strategic importance for gender equity in processes of change or modernization currently taking place in agriculture sector bodies, (Blanco et al, 2001): policy construction, organizational structure and human resource management.

595. In relation to gender-equity policies, there is a policy document for the agriculture and rural sector in Costa Rica which incorporates the gender-equity perspective. Through Executive Decree 28484-MAG-MEP-MTSS-S-CM, the Ministry of Agriculture and Livestock, and the National Institute of Women signed an agreement establishing mechanisms to ensure gender mainstreaming in the regular activity of agriculture-sector institutions. A Strategic Action Plan was prepared to promote gender mainstreaming in the sector's seven institutions. Funding for consulting services to define gender indicators in the agriculture sector was coordinated with the Food and Agriculture Organization of the United Nations (FAO), and the corresponding document was officially presented to the sectoral authorities and the Minister for Women's Affairs, and approved on 30 August 2000.

596. The institutional mission and a gender- equity policy require an operational structure that guarantees its execution. At a time of State downsizing and search for new structures, it may be hard to envision the creation of a new department or unit to promote gender equity. Nonetheless, the process of change is precisely what could facilitate its creation. If gender-equity is incorporated into the institutional mission and vision, it will be possible to justify setting up a new unit or department responsible for mainstreaming gender equity throughout the institution. Costa Rican agricultural policy identified the need to adapt the institutional role to promote competitiveness and steer the socio-productive process "with a gender perspective for sustainable development in the rural domain". As part of the sectoral modernization process, it was proposed to consolidate specialized units on the issue of gender, youth and indigenous population (SEPSA, 1999). Gender and development mechanisms were created in all agriculture-sector institutions; regional gender focal points were also appointed, according to the institutions existing in the area, and the group named a sectoral representative for each region. This is a very important support network for carrying out activities for the advancement of rural women at the regional level. In Decree 28484-MAG-MEP-MTSS-CM, dated 21 February 2000, high level Political and Technical Committees were created to guide the process of incorporating the gender perspective in the daily work of the

institutions and their respective sectors of influence, within their jurisdictions. One such commission exists in the Ministry of Agriculture and Livestock.

597. Experience shows that a fundamental element in moving towards work with a gender-equity focus is staff training and awareness-raising. The agriculture policy in Costa Rica clearly identified the need to promote human resource strengthening processes: "the key element of the human resource transformation process should be the renewed vision of agriculture, highlighting its interlinkage with the rest of the economy and its dynamic role in the rural environment. Accordingly, the human resource actions this administration will carry out will be centred on a sectoral programme aimed at forming, training and upgrading the human resources the country needs to guide and effectively participate in the process of making agricultural production and rural development sustainable" (SEPSA,1999). In support of this policy, INAMU, in coordination with the National Production Board (CNP) and the Institute for Agricultural Development (IDA), prepared a programme for staff training in the sector, covering strategic issues such as strategic planning with a gender perspective, masculinity and its effect on rural employment, and a new rural reality that reflects the contribution and needs of women. As part this programme, which is financed by the Organization of American States (OAS), a document was prepared and published containing national agricultural legislation and institutional services for women. A gender perspective was also incorporated into legal instruments pertaining to the procedures for award of IDA land.

598. The Sectoral Action Plan on Gender contains a training area for staff of both sexes on issues related to mainstreaming gender in their daily work, and overcoming stereotypes in staff recruitment processes. It also includes training for rural women and young people on issues that will enable them to participate in trade-liberalization processes (Agriculture Sector: Sectoral Action Plan on Gender, 1999-2002).

599. In the context of execution of the Sectoral Action Plan on Gender, the Friedrich Ebert Foundation gave presentations aimed at raising awareness on gender issues to Regional Sectoral Committees (consisting of the regional directors of the various institutions in the agriculture sector, in some of which the directors of IMAS, INA, MINAE also participated). Training was also provided to regional technical staff (both women and men) in developing projects with a gender perspective. These activities were attended by a group of 31 women leaders from rural organizations, and covered issues such as organization, self-management, preparation of project profiles and planning, among others; in addition, training with "pro-equity modules" (UICN – Arias Foundation for Peace and Human Progress) was provided to eight national coordinators. As part of the project "Training for Rural Women Leaders in Gender and Sustainable Rural Development", financed by OAS, 35 women received training for the new rural reality in Latin America, in order to broaden their perspective of the struggle as social leaders in the rural domain.

600. In addition, the replacement of comprehensive poverty-reduction policies by targeted actions, and a lack of clarity in the type of contents that sustainable rural development policies should include, justified two strategic central thrusts to move towards gender equity. In the first place, affirmative actions are needed which establish very clear guidelines prioritizing women's access to the financial and technical resources distributed to the rural population by the targeted actions.

Secondly, improving the quantity and quality of rural development policies means three indispensable actions: strengthening of affirmative actions to promote participation by rural women; equal access for rural women to the services and benefits provided by agricultural institutions; affirmative actions for women's participation in decision-making processes within the agriculture sector; and the promotion of decentralized decision-making and civil-society participation in rural development (Blanco et al, 2001).

601. The policy on agriculture in Costa Rica states that "the capacities of rural organizations will be strengthened to include in their work agendas the interests of rural families and the differential needs of older women and men, which represent and develop organizational practices for harmonious coexistence, training, decision-making and election of people to decision-making positions, which uphold the principles of equality and equity of opportunities between women and men" (SEPSA, 1999). In addition, "Spaces of direct representation will be opened up for rural women, paying particular attention to organized women producers in the different decision-making mechanisms at all levels (local, regional and national) of importance to rural development (SEPSA, 1999).

602. During the last two government administrations it was decided that that peasant farmers of both sexes should develop their own organizations as an essential requisite for access to services provided by institutions in the agriculture sector. Nonetheless, there is no institutional programme in the sector that promotes formal organization among producers, let alone female producers. In fact, no progress has been made in this direction, not even on the issue of peasant settlements, and affirmative actions are needed to achieve this. This helps to avoid identifying women as the target population of institutional productive restructuring programmes (credit, marketing, agribusiness, technological innovation, among others), systematically omitting targets related to the promotion of efficiency and competitiveness in the businesses run by female rural producers, thereby infringing the provisions of the Productive Restructuring Act (articles 3 and 5, paragraph m), and the Act Promoting the Social Equality of Women, which requires the State to promote and guarantee equal rights for women (article 1) in the economic and social domains.

603. Despite the willingness expressed in the documents, much remains to be done to materialize these actions and put them into practice, and particularly for the policies to become institutionalized as part of the daily work of institutions responsible for the agriculture sector.

604. The project "Political Processes to Promote Gender Equity in Environmental and Agricultural Management in Central America" (UICN – Arias Foundation for Peace and Human Progress), which has been underway since 2000, aims to promote reflection and discussion within ministries and national mechanisms in the agriculture sector in Central America, to facilitate the design and execution of strategies to incorporate gender equity as a State responsibility and as part of their institutional work.

605. In terms of influence, INAMU, supported by the Arias Foundation for Peace and Human Progress, succeeded in setting up a platform for rural women, consisting of women's organizations, and it supported the construction of a basic agenda for strategic actions to be carried out by agriculture sector institutions.

The experience of the Ministry of Environment and Energy (MINAE)

606. In 1996, the Peasant Forestry Development Programme (DECAFOR) took over the MINAE Women's Ministerial Office, providing it with human and material resources to enable it to operate effectively. The MINAE Women's Ministerial Office carried out the following tasks in the framework of DECAFOR: promotion of gender action plans in the National Conservation Areas System; a training plan for rural women producers; a diagnostic study on the organizational and productive status of women's groups; training for MINAE staff; and production of didactic material (Aguilar et al, 1999).

607. Starting in 1998, under the leadership of Environment Minister Elizabeth Odio Benito, the Ministerial Women's Office became the Office for Gender and the Environment with broader attributions than its predecessor. Its framework of action was expanded from the National Conservation Areas System to encompass all the mechanisms in which MINAE participates, in order to coordinate gender aspects in the work of the entire Ministry. This was subsequently boosted by the initiative of the World Conservation Union (UICN), "Preparation of Gender Equity Policies in Environmental Regulatory Agencies in Meso-America", which provided a legal framework for the work of the Office, refocusing it with a more global and strategic vision (Aguilar et al, 1999).

608. MINAE gave official status to its policy decision to incorporate gender-equity into its daily activities through an executive decree dated 14 October 1998, (Aguilar et al, 1999). As a result, the ministry undertook to mainstream gender equity by constantly promoting equity between women and men in its policies, laws, regulations, strategies, environmental impact studies, planning processes, and in its various development and conservation interventions (Aguilar et al, 1999).

609. Apart from legitimizing the actions of the office, the existence of a Gender and Environment Policy in MINAE made gender equity a priority issue – as was shown by this Gender Policy being chosen from among 13 priorities presented by MINAE to the National Human Development Plan (Aguilar et al, 1999). In addition, the issue has influenced the MINAE vision and mission, which are currently expressed as follows (Aguilar et al, 1999):

610. Vision: MINAE is the strategic institution in the environmental domain. It promotes research, conservation and rational use of natural resources, with a modern, efficient organizational structure and a gender perspective that guarantees community participation. It participates actively in fulfilling international commitments.

611. Mission: To act as lead agency in policy formulation, strategic planning, and execution of actions on conservation, promotion, control and investigation of natural resources. Its goals are to enhance the quality of life of the country's inhabitants, both women and men, promote sustainable human development and provide public services efficiently and effectively, while complying with international commitments.

612. Once the policy had been adopted, an action plan was prepared with participation from the various branches of the Ministry. Its general aims are as follows (Aguilar et al, 1999):

- Provide access to MINAE services under equal conditions for women and men of civil society.
- Achieve fair and equitable labour conditions for male and female staff of the institution.
- Develop an organizational culture that promotes respect and equity between women and men.

613. The key actions envisaged by the plan include the following (Aguilar et al, 1999):

- Formation of a liaison team with staff of MINAE institutions.
- Diagnostic study of employment conditions for MINAE staff of both sexes.
- Promotion of women's participation in decision-making posts.
- Functioning of a Committee to oversee compliance with the Act on Sexual Harassment in the Workplace and in Education.
- Gender research in the framework of MINAE actions (systemization of experiences, diagnostic studies, methodological proposals, etc).
- Training on gender issues for MINAE staff (male and female) and people from civil society associated with the Ministry's work.
- Education campaigns on gender equity.
- Proposals on legislative changes.
- Assistance on gender issues for the following: preparation of strategic and operating plans from a gender-equity perspective; design of gender-sensitive databases containing variables of gender analysis; implementation of mass-media campaigns; design of strategies to incorporate the gender-equity perspective.

614. For this purpose, MINAE will prioritize the allocation of human and financial resources for the gender-equity component. In addition, to ensure gender equity mainstreaming, MINAE undertakes to maintain and support the Gender and Environment Office as a high-ranking body within its structure. This will be responsible for monitoring and oversight of the action plan arising from this policy (Aguilar et al, 1999).

615. One of the actions to support the work of the Gender and Environment Office consisted of establishing a Monitoring and Oversight System for all gender-equity actions carried out by the Conversation Areas. The National Conservation Areas System (SINAC) is the agency that has responded most to the instruction to work with gender in the training and diagnosis areas (Aguilar et al, 1999).

616. The MINAE Gender and Environment Policy Action Plan included designing a system to capture disaggregated information and incorporate gender variables in information systems as necessary. Given the magnitude of the task, it was decided to implement a pilot scheme that could later be reproduced in other MINAE mechanisms, and the National Conservation Areas System (SINAC) was chosen to do this. This body is currently designing the Continuous Improvement Evaluation System (SEMEC), for all SINAC services. It is being supported in this by the Central American Project "Towards Equity", UICN and the Gender and

Environment Office of the Ministry (MINAE: Gender Indicators Proposal for SEMEC"). Under this proposal, a staff team, in conjunction with DIMERCA, a consulting firm, will design SEMEC indicators. Initially the aim is to collaborate with this team on the issue of gender equity indicators, and work has been carried out on a document putting forward suggestions for incorporating the gender-equity perspective in SEMEC. It is subsequently hoped to maintain contact with the MINAE Information Systems Commission, with a view to developing in-service training for deeper analysis of gender-equity indicators, and to make a number of proposals in this regard within their work.

617. The National Forestry Development Plan, supported by UNDP, also involves gender issues and contains many actions aimed at moving towards gender equity in forestry environmental management. Despite interest shown and efforts made by many institutions and organizations, thousands of women remain excluded from the sustainable development initiatives being implemented in Costa Rica. A study on women's access to Environmental Services Payment (ESP) (Morales and Dávila, 2000) reaches the following conclusions:

- Women's participation in ESP was very low both in terms of individual projects and as regards global ones. Although the figure rose from 15.57 per cent in 1998 to 19 per cent in 1999, it is still below 20 per cent.
- Women's scant participation in ESP is the result of several factors, of which the four most important are: landholding and titling; a society based on a machismo culture; an almost total lack of information on the programme; lack of policies and strategies to incorporate women into the programme – strategy surveys show that the result is an overwhelming 0 per cent.
- The creation and strengthening of mixed and women's groups should be a key action worthy of considerable effort, since the diagnostic study shows that it is a viable way to incorporate women gradually into ESP.
- Landholding is the main barrier preventing women from gaining access to ESP. The surveys carried out show that 69 per cent of intermediary organizations considered this as the main problem, while 55 per cent of potential groups also identify it as the key obstacle.

Article 15:
Equality before the Law

Article 15:

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to enter into contracts and administer property, and they shall be accorded equal treatment in all stages of procedures in courts of law and tribunals.

3. States Parties agree that any contract or any other private instrument with legal effect that tends to restrict the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights in regard to legislation on movement of persons and the freedom to choose their residence and domicile.

A decade of legal instruments that has produced progress on women's rights in Costa Rica

618. Whether as individuals, or organized in civil society, or through State mechanisms for the defence and promotion of their rights, women have helped to draw attention to the existing shortcomings and have worked to conceive, prepare and lobby for new instruments to serve their needs and interests (State of the Nation Project, 2001). The national legal instruments included under these criteria are summarized in annex 1.

619. The main progress achieved in this field includes the following (Mora, 2001):

- Ownership and discussion of the issues by the public at large; this has removed them from the purview of the select few, generated public opinion and knowledge on the subject, and acted on the political-cultural component of the law.
- Overcoming the "naturalness" and social acceptance of acts perpetrated against women (such as acts of violence).
- Generation of legal concepts relating specifically to acts that occur to women per se (for example, sexual harassment, which was previously subsumed in the traditional gross misconduct category).
- Creation of legal instruments that are innovative in both form and content, to break with the traditional logic.
- Removal of a number of male privileges that put women at a disadvantage, in order to improve the general condition of women.
- Rejection of the false dichotomy between what is public and what is private, in order to introduce democratic values into the private domain (for example, in terms of domestic violence and the legal and economic responsibilities of paternity).
- Progress on the formal regulatory component of the law.

620. The overall assessment of the decade from the formal regulatory standpoint is positive; but it is incomplete unless set against the structural component, i.e. the interpretations made of legal instruments. In this regard, there is a deep abyss consisting of what in doctrine and in CEDAW is known as discrimination by outcome. Some specific cases illustrate this – for example regarding the right to political participation envisaged in articles 4 and 5 of the Act Promoting the Social Equality of Women, and in CEDAW, on the appointment of a significant percentage of women to political posts. One interpretation sees this as a commitment for public authorities and political parties, but not as a fundamental right that can be directly upheld through the Constitution (Constitutional Chamber Resolution 2000-4350 of 11:45 on 19/5/00). But an earlier ruling had made this legislation compulsory, by stating: "... it is clear that in this collegiate body women have not been given participation, as mandated by the Constitutional Charter and even by law, so the principal of equality and prohibition of all forms of discrimination against women considered as a gender and collective group, rather than individuals, has been

violated" (Constitutional Chamber Resolution 716-98 of 11:51 on 6/2/98). The 2000 interpretation not only represents a setback in relation to the ruling of two years earlier, but also reveals the variability of the Constitutional Chamber on issues relating to women's rights (State of the Nation Project, 2001).

621. The same happened with article 7 of the Administrative Procedures Act (Ley de Rito), which was declared partially unconstitutional by requiring social real estate to be registered in the name of the woman in situations of common-law marriage. This constitutional ruling was based on the fact that the law was impaired "by irrationally granting to the woman, whose family nucleus has not been legally established, greater advantages than that granted to a woman who is formally married". While recognizing that the rule reflects a strategy for addressing the discrimination traditionally suffered by this group, "... such protection cannot be established to the detriment of other relations that enjoy privileged protection from the State..." (Constitutional Chamber Resolution 346-94 of 15:42 on 18/1/ 1994) (Mora, 2001).

622. Discrimination also occurs through non-application of the law in situations for which it was envisaged. A case in point is article 30 of the Act Promoting the Social Equality of Women, which reformed article 152 of the Code of Criminal Procedure. This established a precautionary measure entailing the eviction of an aggressor from the home and deposit of family maintenance in cases of alleged sexual crime or harm. Its lack of application was reported to the court by the Women's Commissioner in the session of 24/1/94, article XIV, and this body decided to make the law operational by regulating it. The regulations were prepared by a joint Commission of the court and the Public Commissioner's Office and were duly approved and published in the Judicial Bulletin on 1 December 1994. Despite all these efforts, the measures have scarcely been applied (State of the Nation Project 2001).

623. Notwithstanding formal progress achieved, areas for improvement still remain. Some of which are contained in legislative bills, such as the reform to articles 5 and 6 of the Act Promoting the Social Equality of Women (procedure 12741), which, despite enjoying majority approval since 29 April 1997, has since been shelved; the Political Parties Bill (procedure 13862), which is currently before the Special Mixed Commission; reform of the Act on Sexual Harassment, (procedure 13.094), which has been approved by the Special Permanent Commission on Women, and assigned to the third plenary; the Act on the Criminalization of Violence against Women (procedure 13874), which has also been approved by the Women's Commission and assigned to the third plenary (Mora, 2001).

A strategy for the specific needs of women: special mechanisms

624. On 8 March 1990, the Act Promoting the Social Equality of Women (No. 7140) created the Commissioner for Women as an institution for defence, investigation of complaints, promotion and dissemination of women's rights. This has been described as "... the first institution capable of visualizing women as suffering from a specific set of problems, without confusing them or subsuming them among problems pertaining to other groups" (Office of the Public Commissioner 93-94:24). On the occasion of the creation of the Office of the Public Commissioner of the Republic, subsequently known as the Office of the Public Commissioner (Act No. 7319, of 5 November 1992), representatives of the Commissioner for Women, the Ministry of Justice, the Public Commissioner's

Office and the women's movement all agreed on 11 August 1993 to be transferred to the recently created Public Commissioner's Office. This was accepted by the first Public Commissioner, who pledged that the institution would conserve and strengthen its specific features (Office of the Public Commissioner, 93-94:24).

625. On 11 November 1999, the Legislature established the Special Permanent Commission on Women by amending article 84 of the Legislative Assembly Regulations on special permanent commissions (published in Gazette No. 219, part 86). This Commission scrutinizes and certifies legislative bills affecting the situation of women, and has faculties to propose legal amendments and exercise political oversight of the actions of public administration (Mora, 2001).

626. Several specialized mechanisms were established in the judiciary mainly associated with situations arising from common-law marriages, family maintenance payments and domestic and sexual violence. A specialized unit on domestic violence and crimes against sexual freedom was opened in the General Prosecutor's Office. The institutional basis of this mechanism is expected to be raised to the rank of law, for which purpose the following draft laws are currently being considered by the Legislative Assembly: the Bill concerning the Office of the Special Prosecutor for Domestic Violence and Crimes against Sexual Freedom, (procedure 13050), currently shelved; and the bill to create specialized courts (procedure 14146) in the Act creating a Domestic Violence Court in the second Judicial Circuit of San José, and procedure 14147, to create Domestic Violence Courts in the Judicial Circuit of Heredia, the First Judicial Circuit of Alajuela, and the Judicial Circuit of Cartago, both of which have been approved by the Women's Legislative Committee and are on the agenda for the Legislative Plenary (Mora, 2001).

627. The challenge for this decade was to create special institutions and strengthen those already existing, since some of them are seen as mechanisms for specific groups and are not valued in institutional contexts along with other mechanisms that attend, assist, resolve, and develop programmes for the population at large. This has resulted in limited allocation of human and budgetary resources (Mora, 2001).

The ILANUD programme on women justice and gender

628. Since 1992, in the framework of directives contained in the international instruments and platforms of action that have emanated from the United Nations World Conferences on Women, the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) has been contributing from a gender perspective and with a legal-juridical focus to the promotion of gender equity and eradication of discrimination against women in justice administration systems, through its Women, Justice and Gender programme. This includes the formulation, adoption and execution of public policies and actions by States and organised civil-society institutions throughout Latin America, especially in Central American countries.

629. From the gender-equity perspective in justice administration, the programme forms part of the ILANUD mission to promote and support efforts by Latin American and Caribbean countries to strengthen and develop their justice administration systems, particularly the criminal branch, to prevent crime and act on social control mechanisms, in order to uphold the rule of law, respect for human rights, maintenance of social peace and, ultimately human development.

630. For over 10 years, ILANUD has used this programme for research projects, training, technical assistance and dissemination of information for mainstreaming gender in justice administration in the various countries of Latin America. The technical assistance provided to legislatures includes incorporating the gender perspective in the formulation and promulgation of legislative reforms on crime, criminal process, family and labour law; and also to build the gender perspective into Law Faculty curricula, based on a sui generis methodology for gender analysis of justice procedures and doctrine on gender-sensitive issues.

631. Actions carried out by ILANUD through its Women, Justice and Gender Programme include the following:

Law schools and judicial training units:

632. Work done with these organizations included: (i) preparation of a curricular proposal to incorporate a gender-sensitive perspective, based on an analysis of the justice system which has been discussed and validated with active participation from the authorities of law schools and judicial training units; (ii) a training process for trainers (male and female) in using the training model for justice administration workers, entitled "Towards real equality, volume I", prepared, updated and validated by consultants of the ILANUD Women, Justice and Gender Programme; and in the incorporation of the gender perspective in analysis of the justice system in the regular courses given in their respective law schools and legal training units; (iii) preparation of a training manual for justice administration workers entitled "Towards real equality", adapted to education and cultural levels, and translated into the kachiquel and maya-quiché languages for use with indigenous magistrates in Guatemala; (iv) establishment of national teams of 12 teacher-trainers in the law schools and legal training units in each country; (v) training for 750 Judiciary staff, in the training model entitled "Towards real equality, volume I"; and (vi) establishment of gender committees in the law schools and legal training units in each country, to serve as institutional mechanisms for detecting needs and shortcomings in legal training, and formulating action plans to contribute to the institutionalisation of legal training with a gender perspective, based on analysis of how the justice system works.

633. The action plans developed and adopted by gender committees in each country identify the following priorities:

Diagnostic studies on gender discrimination in Judiciaries:

634. The aim of these studies is to: (i) determine how and where sexism manifests itself in the judiciary, as basic information for drawing up work plans and establishing the parameters needed to measure their impact; (ii) obtain basic information for the design and preparation of didactic material for incorporating a gender-sensitive perspective in the curricula of law schools and legal training units; and (iii) raise awareness among judicial authorities and judiciary staff generally of the importance of including gender awareness in justice administration.

Promotion of political will to incorporate the gender perspective in curricular programmes for judicial training:

635. The aim here is to raise awareness among male and female judiciary workers, of decision-making rank, of the necessity and importance of incorporating a gender

perspective into legal training curricula, and of strengthening established gender committees by providing technical assistance through the programme.

Strengthening of legal training programmes by building the gender perspective into justice administration:

636. Strengthening here will make it possible to define priority areas for incorporating the gender perspective in justice administration, bringing it in line with international instruments for the protection of women's human rights (crime, labour market, family, etc.). It will also allow for a deepening of the process of training trainers, and continuation of the design and preparation of didactic support material, promoting exchange of experiences between law schools and legal training units in the various countries of the region.

Improvement of legal foundations based on doctrine and jurisprudence with a gender perspective, for sound argumentation in passing sentences:

637. This line of work will make it possible to: (i) compile doctrine and jurisprudence, both sexist and gender-sensitive, with comments by experts of both sexes, made available electronically for easy consultation by judiciary workers of either sex who are responsible for justice administration; and (ii) creation of legal doctrine with a gender perspective to be disseminated and distributed among male and female judicary workers in the region.

Creation, amendment and repeal of legislation to incorporate the gender perspective, streamline judicial processes and, on the basis of practical experience among judiciaries, ensure compliance with international instruments in support of women's human rights:

638. This line of work includes the following: (i) study and analysis of work flows where women are the main users of the service; (ii) conversations held between the various parties that participate in judicial processes, in order to suggest systemic improvements based on practical experience; and (iii) establishment of joint judiciary-legislature commissions, to promote the promulgation, amendment and repeal of legislation.

Strengthening of victims' rights in judicial processes:

639. Achieving this requires the following: (i) a diagnostic study on the role of victims in legal processes, and support infrastructure available in the justice administration system to guarantee their rights; (ii) staff training on this issue; and (iii) design and implementation of victim care models using interdisciplinary teams to ensure judicial services that are convenient, timely, secure and private, thereby guaranteeing the victim's full rights.

640. Based on actions defined as priorities by the gender committees, during this stage the proposal envisages actions being implemented to satisfy the most urgent needs and institutionalize the gender perspective in legal training programmes.

- Political will to incorporate a gender perspective into the training programmes of law schools and legal training units.
- Strengthening of training programmes by incorporating the gender perspective in the justcie system.

- Incorporation of a gender-sensitive perspective in the legal foundations of sentencing, based on doctrine and jurisprudence.

Incorporation of a gender perspective in governmental, inter-governmental and non-governmental institutions:

641. Incorporation of the gender perspective in governmental, non-governmental and inter-governmental activity is extremely difficult given the resistance this issue arouses, despite international commitments assumed by States. For this reason, the programme has always maintained a flexible and constant line of work to support and provide technical assistance to institutions requesting it. Experience accumulated over the years shows that this type of work is highly effective since it responds to an attitude of openness towards the topic by the organisations requesting assistance.

642. In this line of work, the Women, Justice and Gender Programme has been collaborating with Prosecutors Offices and Human Rights Commissioners in the different countries of the region, to incorporate the gender perspective in the work they do. Specifically, it set up training processes with the National Human Rights Commission of Honduras, the Human Rights Prosecutor of El Salvador, the Human Rights Prosecutor of Guatemala, and the Office of the Public Commissioner of Costa Rica.

643. It has also provided support to staff from the Ministries of Foreign Affairs, Justice, Education and Governance, and to women's ministries and offices, along with staff of both sexes in inter-governmental organisations such as the Inter-American Institute for Human Rights; agencies (UNIFEM, UNICEF, UNDP) and specialised bodies (ILO) of the United Nations System; non-governmental organisations such as the Centre for Justice and International Law (CEJIL), Disabled People International; the Inter-American Women's Caucus on Human Rights, etc. This support has helped to place its work within the ethics of human rights and non-discrimination with a gender perspective, and has enabled the programme to obtain feedback from situations that are occurring in reality, thereby enriching the work it is carrying out.

Article 16:
Matrimonial and Family Law

Article 16:

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

a) The same right to enter into marriage;

b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

c) The same rights and responsibilities during marriage and at its dissolution;

d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration

i) The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory

The Responsible Paternity Act

644. The most significant step forward on this issue during the period was the Responsible Paternity Act (No. 8101), approved on 27 March 2001 and signed on to the statute book on 16 April that same year. This legislation took specific steps to eliminate discrimination against women with children born outside marriage, and for the large number of children who do not enjoy paternal recognition or receive economic support from their fathers. This law is thus an instrument for upholding the rights of children, while also recognizing the rights of women. It was conceived as a gender-equity strategy, eliminating men's privileges and women's disadvantages by establishing the presumption that young children can be assured a legal father, and obliging presumptive fathers to submit to DNA testing or else contest registration of a child in their name in the courts. The law establishes a special procedure for dealing with all paternity suits, which is brief and oral, with no right to appeal or contest intermediate rulings. This form of action avoids the recurrent delaying tactics deployed by presumptive fathers, and effectively precludes the previous process of legal investigation and paternal recognition, since the new law drastically cuts the time for hearing the case from two years to six months.

645. Promulgation of this law represented a historic landmark in the development of responses to a legal, social and economic problem of major importance given its extent and frequency. The number of children born outside marriage and without a registered father increased significantly during the last 10 years. According to INEC (1999) data, in 1999 out of 78,526 registered births, 40,449 occurred outside marriage, and of these 58.9 per cent were registered without a declared father. It can thus be inferred from these figures that there are some 23,845 young children being looked after exclusively by their mother, without the support and shared responsibility that the father ought to provide. This means the women concerned are overburdened with maternity in a situation of injustice and inequity that has a significant impact on their emotional, social and economic lives and those of their children. The same source indicates that the number of children with no declared father is increasing, even though the total number of births is tending to fall year by year

646. Prior to this law, the recognition process took two years on average, and entailed high costs for mothers given the type of procedures and delaying tactics employed by the presumptive fathers. The law intends to resolve a problem of access to justice, since in situations where there is no paternal recognition it is impossible to claim family maintenance, and the children concerned are thus placed in a situation of social disadvantage. The implications of this problem manifest themselves in multiple social problems and represent an economic burden not only for the mother but also for the State.

647. The law was drafted by an Inter-Institutional Commission consisting of representatives from INAMU, the Public Commissioner's Office, the Judiciary, the University of Costa Rica, PANI, the Civil Registry, the Legislative Assembly and independent professionals. Participation by these institutions made it possible to forge a very substantial basis of consensus in drafting the bill.

648. According to Civil Registry data, since the law entered into force on 11 March 2002, there have been a total of 6,441 paternity cases; 3,853 or 60 per cent of these involved voluntary declarations; 1,461 cases are awaiting notification; 152 are awaiting presentation of evidence; and 973 cases awaiting notification with problems of location (incorrect addresses). As can be inferred from these figures, the law is achieving its objectives quite successfully. Article 3 of the law also requires the National Childhood and Adolescence Council to formulate and execute public policies to promote responsible paternity throughout the country. For this purpose in 2001 it appointed an Inter-Institutional Commission to monitor policies on responsible paternity, with representatives from the Ministries of Education; Health; Culture, Youth and Sports; the National Children's Office, the Costa Rican Social Security Fund, the National Board of University Chancellors (CONARE), the Civil Registry, the National Youth Movement, the Judiciary, and three representatives from NGOs (PROCAL, CEFEMINA, and COF), all under INAMU coordination. The Committee prepared initial policy guidelines for promoting responsible paternity, which also contains a series of institutional commitments adopted for this purpose. On the basis of this document, the Commission's task is to plan and monitor actions – at the level of each institution – to support more sensitive and responsible paternity.

649. Complaints and criticisms lodged with the Public Commissioner's Office concerning application of this law, relate to the fact that while there are fewer cases than expected for DNA testing, the laboratories where the tests are supposed to be carried out are not yet functioning. According to CCSS, a laboratory will be operating before August 2002. The Public Commissioner's Office set up an Inter-Institutional Commission to monitor and oversee the law. Other complaints related to the way staff informed mothers of their rights and obligations.

PART III

Progress, obstacles and challenges in complying with the Convention on the Elimination of All Forms of Discrimination Against Women

650. As was widely discussed in the previous report, the 1990s were prolific in producing legal instruments on women's rights – in terms of the quantity and the plurality of situations covered.

- In the institutional domain, the National Mechanism was strengthened and specific mechanisms were created for the defence of rights and advancement of public policies on gender equity.
- In the social domain, progress was made in recognizing and protecting family types other than the nuclear-matrimonial model, inclusion of presumptions and advanced procedures for legally establishing paternity on an administrative basis, a revival of legal procedures for assigning patrimonial obligations arising from paternity, and surveillance of domestic violence.
- In the health sphere, a number of sexual and reproductive rights were recognized.
- In the labour market, progress was made in terms of legal recognition for the problem of sexual harassment, reform of maternity leave and reconceptualization of the corresponding benefit from the legal standpoint.
- In terms of political rights, legal recognition was given to minimum quotas in political decision-making posts.

651. These advances were the result of initiatives by organized women operating from civil society and State institutions created to promote and defend their rights. The processes generated during this period and in the first two years of the new century reflect progress in the formal regulatory component of the law. They have also generated debates in national public opinion on these issues, thereby achieving significant visibility and social recognition. For example, acts of violence against women are now rejected by citizens, and the false dichotomy between what is public and what is private, and the areas of State responsibility in protecting people's rights, have been broken. In addition, original concepts were developed, including far-reaching legal instruments that go beyond traditional legal thinking. Cases in point are the precautionary measures contained in the Domestic Violence Act, and the alternative sanctions proposed in the bill to Criminalize Violence against Adult Women.

652. An outstanding challenge for effective enjoyment of human rights and development of women's citizenship involves guaranteeing adequate and clear mechanisms for upholding their rights, in real and timely fashion. This presupposes their dissemination and promotion, together with full knowledge by women themselves on how to internalize and develop their capacity to demand protection. It also requires a concerted effort by all the powers of State to ensure that authorities and staff at all levels respect these rights, undertake to inform women of them, and guarantee the means to legally enforce them.

653. One reality that stands out in the analysis made for the period covered by this report, is the gap that persists between discourse and practice in terms of equity between men and women. Despite the progress described above, the Costa Rican State still demonstrates a limited commitment to adopt measures to punish discrimination against women. Nonetheless, this is the only way to avoid impunity.

654. The behaviour of various sectors in relation to several of the bills currently going through the legislative process, and the debates generated around issues relating to gender discrimination and violence against women, suggests that a "boomerang effect" may be occurring as a result of the progress achieved over the last decade. It is possible that greater awareness among civil-society groups, legislators, judges and magistrates of the consequences of this type of law for the patriarchal social order, is perceived as a threat to their gender status. For that reason they resist its development through various means. The strategies pursued by women's organizations and the National Mechanism need to take this phenomenon into consideration. Gender equity discourse has been co-opted by various State and civil-society institutions, and a number of its arguments have been refashioned. There is an ideological dimension in these processes that cannot and must not be ignored.

655. One of the challenges facing the Costa Rican State entails recognizing the diversity that exists in legislation and public policies. As indicated in the previous report, and evidenced in this one, there are many different ways to exclude and render invisible by denying that Costa Rica is a pluricultural and multiethnic society, accommodating people of various condition (e.g. age, disability, religious and political affiliation), whose differences, if not taken into account, will impact their life chances and opportunities to exercise their rights. Women representatives of various organizations demanded attention be paid to this practice during the Consultative Forum.

656. Afro-descendant, indigenous or disabled women, along with older adult women and young people, constitute sectors that suffer double and triple discrimination based on the combination of these conditions. It is not sufficient to approve legal instruments; justice administration that is transparent and sensitive to differences must be guaranteed. In the face of discrimination, women feel they have no access to justice because they are unable to uphold their rights.

657. During the reporting period, Costa Rica strengthened INAMU as the governing body for public policies for the advancement of women, and it created and developed mechanisms to mainstream the gender perspective in policies at the sectoral, institutional and local levels. The Costa Rican State put special emphasis on fulfilling commitments acquired in this field through: ratification of the Beijing Convention and World Platform for Action, particularly by upgrading the rank and attributions of the National Mechanism, and endowing it with budgetary funding and capacity to influence public-policy formulation and fulfil its governing role; formulation of a national policy on gender equality and equity, in coordination with public institutions and social organizations; and the establishment of deconcentrated and decentralized mechanisms at all levels to mainstream the gender perspective throughout the activities of public institutions. Despite these important steps forward, many resistances to change still remain. These are based on male-centred conceptions and structures, and institutional procedures that are rigid and insensitive

to gender differences, compounded by insufficient human and financial resources to fulfil the proposed policy targets.

658. By law INAMU has its budgetary independence guaranteed, but there are difficulties in gaining access to all the funds due to it. This situation is having a major influence on its ability to meet its commitments, particularly in terms of opportunities to fulfil its leadership role and guarantee conditions for gender mainstreaming throughout the State. Failure to obtain the funds assigned to it by law creates inequity with other governing institutions. If, in addition, Congress eliminates the financing of public institutions through earmarked funds, in other words, through specific taxes, the National Mechanism will be severely weakened unless sufficient funding can be guaranteed through other permanent and secure means. The country is challenged to find the means and mechanisms to provide the Institute with sound and sufficient funding over the next four years to discharge the function it has been assigned and implement national policy on this subject.

659. The strategy proposed for ministerial, sectoral and municipal gender-equity units is pointing in the right direction, although structural and circumstantial problems persist that restrict their development and field of action. The challenges are to strengthen these units technically and financially, while extending their scope of action into the country's rural zones, beyond the Greater Metropolitan Area. The units also need to be valued in the institutions where they operate to guarantee their legitimacy and facilitate adequate resource allocation. Lastly, the Costa Rican State needs to promote measures to move forward in applying the gender perspective in institutional culture, intervention practices and public policies in a systematic, permanent and sustainable way, to ensure that the National Policy on Gender Equality and Equity becomes State policy. Public policies in Costa Rica are subject to the vagaries of electoral politics: the priorities of one administration tend to be downgraded in subsequent administrations or their focus is altered. There is little consistency in actions, and there is a risk of promoting patronage among women.

660. Additional resources need to be invested in mainstreaming processes and the provision of in-service training sustained through time for all levels, in order to guarantee a critical mass capable of moving the process forward in the medium-term. The male-centred patriarchal paradigm that still persists in State institutions will not be overcome through sporadic actions supplemented by the goodwill of people participating in the processes. Human resource formation must become an issue in public-sector modernization. This would facilitate a civil service resolution legitimizing ongoing or in-service training on issues related to gender equity, as one of the priorities of public administration. It would then be possible to set annual targets and obtain budgetary funding for this purpose.

661. A major obstacle concerns the quality of the progress made, since many of the conquests are still precarious. This is particularly visible in the quality and coverage of the services obtained, in the quality of the spaces and women's participation in them. Budgetary funding tends to be small, and mechanisms for upholding these rights are limited.

662. Given the magnitude of these tasks, resources need to be channelled into strengthening research in strategic areas, to guide decision-making and the evaluation of policies and educational campaigns, both on an ex-ante basis and in terms of impact. An effort needs to be sustained through time and coordinated with public and private research bodies, including State universities. Policies in this field

will facilitate conditions to create performance indicators and solve existing problems with indicators measuring gender gaps and progress in effectively protecting women's human rights.

663. During the reporting period, substantial progress was made in strengthening the State/civil-society relation. One of the necessary conditions for deepening and guaranteeing the sustainability of this relation is concerted participation, consultation and dialogue with civil society to make sure the State response addresses women's demands and interests. Initiatives need to be deepened in terms of accountability, transparency in public administration, mutual respect and fulfilment of commitments. Despite progress made, the relation between INAMU and women's organizations and the public generally, remains weak. Many of the changes proposed in the contents of policies and legislation have tended to be highly technical, which resulted in distancing and difficulties in gaining ownership of the policy and actions. This was a decisive factor in the lack of support by the women's movement and other sectors of civil society for the Amor Joven programme.

664. In passing the Act Promoting the Social Equality of Women (No. 7142) in 1990, Costa Rica recognized the shortcomings of existing laws on equality between women and men, and the consequent need to introduce legislation and measures to guarantee equal opportunities between the two. Since then, the most significant progress made on the subject has been the adoption of measures to guarantee women equal access and full participation in power and decision-making structures.

665. The most important landmark in this area was the 1996 reform to the Electoral Code contained in Act No. 7653. This laid the foundations for more equitable access for women to popularly elected and decision-making posts, by establishing a 40 per cent minimum for women's participation. The road has been long and hard, given the many resistances that still prevail – not only in the political parties, but also in the institutions responsible for overseeing application of the minimum quotas and enforcing them within the parties, and among certain sectors of the public.

666. Women also face structural obstacles stemming from their gender status, which hinder their participation in internal political party procedures and national and local elections (e.g. access to information and economic resources, support from the family, social prejudices). These are more acute among women's sectors already subject to discrimination as a result of their social, ethnic, zone of residence and age status.

667. There are numerous challenges involved in making equal opportunities for women and men a reality in terms of access to and participation in power and decision-making structures:

- The 40 per cent quota needs to be understood by political parties, women and the public at large, as a floor from which one starts rather than a ceiling to which one aspires. The Christian Social Unity Party (PUSC) reached a useful agreement that could be applied in the other political parties: neither of the sexes may have over 60 per cent representation on internal bodies and candidate ballots. Meanwhile, the Citizens Action Party (PAC) implemented a procedure guaranteeing parity for both sexes.
- Application of the regulations requires permanent monitoring by various mechanisms and from a number of standpoints: civil society, Legislative Assembly, INAMU, Judiciary and the Supreme Electoral Tribunal (TSE).

Political parties and TSE should also report periodically to the corresponding institutions, as a way of strengthening democracy.

- A precise regulation is imposed by political parties to define and regulate mechanisms for execution, monitoring, appeal and sanction in implementing the minimum women's quota in electable posts. A lack of suitable instruments would result in non-fulfilment, application errors, greater resistance mainly by men, and a hostile climate towards women.
- Access for young, Afro-descendant, indigenous, disabled and rural women to electable posts on candidate lists, and also to the top leadership institutions in political parties, remains extremely limited. The fact that Costa Rica is a diverse and pluricultural society is not yet recognized. Actions therefore need to be promoted with the TSE and social organizations representing the interests of those population sectors, in order to raise awareness among citizens and political parties concerning their rights and the need to create conditions for women from those sectors to gain access to such posts.

668. Another area in which the country has made significant progress is in the adoption of policies, administrative practices and services to ensure poor adolescent and adult women equal rights and access to economic resources, education, healthcare and employment. Programme such as Creciendo Juntas and Construyendo Oportunidades laid the foundations for greater inter-institutional coordination, through actions targeted on this population group to make it easier for them to gain access to strategic resources and services. The structural obstacles that still persist in terms of macroeconomic policies which are insensitive to women's gender needs and interests – particularly those living in poverty – make it hard for them to participate under equal conditions in employment and in programmes for labour training, technology, credit and productive restructuring, among others. An outstanding task is to review, adopt and strengthen macroeconomic policies and development strategies that take women's needs, interests and demands into account, and support their efforts to overcome poverty, as called for in the Beijing World Platform for Action.

669. By legislating special measures to protect maternity among teenagers and adult women regardless of their social and migratory condition, the Costa Rican State took a major step towards upholding the principle of non-discrimination contained in the Convention and other legal instruments. Maternity can be an event in a woman's life which leaves her socially and economically vulnerable, in the absence of minimal conditions to meet her healthcare and other needs. Maternity can be a condition that encourages multiple forms of discrimination that generate poverty, undermine a woman's health and promote social exclusion. Upholding this principle requires additional efforts to:

- Raise awareness among health- sector workers and authorities about women's entitlement to comprehensive healthcare as a fundamental human right, regardless of their social, migratory, ethnic or age status.
- Promote an information campaign on women's entitlement to quality healthcare and safe maternity, free from discrimination. This would be a systematic, regular and simple way to guarantee access to information on their rights and how to enforce them; fulfilment of policies and actions

aimed at enforcing these rights; participation in institutional decision-making; and punishment of discriminatory acts against women on gender or any other grounds.

- Develop and implement instructions and precise regulations to guarantee the enforcement of those rights by health workers, together with the regulation of mechanisms for policy execution and monitoring, and for filing complaints and punishing rights violations.

670. The last decade was prolific in terms of State initiatives to eliminate sexist and discriminatory language and content in textbooks, and also in the review of study programmes and development of methodologies for eradicating gender stereotypes. Despite these efforts, conceptions and practices persist throughout the education system, and among families and communications media, that hinder the elimination of sexist stereotypes and social relations that promote women's subordination and degrade the female image. The legal injunctions filed by sectors of private enterprise pose a serious obstacle to the advancement of public policies and legislation promoting equality and equity between the genders. They also put at risk the progress achieved during the last two decades on this subject. Such actions undermine opportunities for women to exercise and enforce their fundamental human rights.

671. There are multiple challenges:

- The state of progress of policies in this field, and the obstacles identified, point to the advisability of establishing a State education policy to eradicate discriminatory practices in the classroom and cultivate a citizenry imbued with a culture of gender equity. Efforts in this area cannot depend on the goodwill of the authorities or a particular government administration. A State policy would guarantee continuity and budgetary funding, and would also be less susceptible to pressure from interest groups whether lay or religious.
- Sectoral public policies on gender equity have been found wanting when they have implied profound sociocultural changes.
- As the governing institution on this issue, INAMU needs to develop an aggressive policy with programmes specializing in women's studies and gender equity and teacher training institutions in the four public universities. The aim would be to promote curricular reform eradicating teaching approaches, methodologies, contents and practices, and university research and social action that perpetuate gender inequalities and inequities. This would be supported by in-service training programmes for teachers at all levels of the education system, aimed at eliminating discriminatory approaches and practices both in and outside the classroom.
- The review of study programmes in primary and secondary school must be continued, to identify contents that disseminate sexist stereotypes and create methodologies for eradicating them. Ongoing or in-service training in this area for male and female teachers is fundamental; but in order to make the necessary changes viable, the State must guarantee the necessary financial resources and incentives to institutionalize the process. Gender-equity criteria need to be incorporated into the appraisal of teaching performance at all levels of the formal education system.

- Awareness needs to be developed throughout the education system, the public sector and civil society, of the importance of family backgrounds in educational and professional orientation, and the pressure that tends to be exerted in choice of professions and trades according to prevailing gender patterns. For this effort to be successful, public campaigns need to be promoted involving national and local communications media, educational institutions and other State bodies, churches, municipalities and the main civil-society organizations. One of their components would involve harmonization of responsibilities between men and women in relation to domestic and reproductive work.
- Various studies have revealed persistent segregation in entry to technical and university careers. The barriers facing women in entering and staying in scientific and technical courses cannot be overcome at the rate required to comply with the Convention and the commitments acquired in the Beijing World Platform for Action, unless affirmative actions are implemented within INA and the State universities. This would include actions to attract women, such as minimum quotas and incentives to encourage their admission, permanency and graduation, and subsequent labour-market participation in the field of study. Once in the labour market, systematic monitoring should be conducted to guarantee stimulating working environments that are respectful of women's right to work and workplace free from violence.

672. Approval of the Code on Children and Adolescents facilitated progress in recognizing minors as legal subjects. Education for healthy and responsible exercise of sexuality was also recognized as a right in this legal instrument. Nonetheless, resistances rooted in cultural prejudice persist in some sectors of the education system, and also among families, churches and communities. Although initial steps were taken in the direction of change, they are at risk of being lost. Implementation of the Amor Joven programme generated many lessons that are applicable to other gender- equity policies that promote autonomous exercise of human rights by young and adult women, young girls and teenagers.

673. The modifications made to the programme as a result of negotiations between the State and the Catholic Church, caused a major impact and provoked widespread annoyance and frustration among those who had played leading roles in the process and were responsible for its contextualization and execution. The cost for the programme was high, since it was subjected to censure and frontal attack by church authorities and groups supporting them. The programme itself was weakened, and its management and the coordination of its various components were made more difficult.

674. This process brought to the surface the major challenges facing people who, in a sensitive way and respectful of human rights, have been concerned to provide young children and adolescents with educational elements that are appropriate to their rights and needs. One of these challenges is precisely to attempt to break with the rigid, and monolithic patriarchal organization that uses mechanisms and means – which are not always direct or transparent – to uphold the "established order" and "the way things ought to be".

675. Costa Rica has made limited progress on sexual exploitation and forced prostitution of minors. Although the Act on the Sexual Exploitation of Minors (No.

7899) was passed in 1999, many obstacles still stand in the way of preventing and eradicating this problem, which has such serious ramifications. Firstly, the country lacks a public policy to prevent and combat the problem. This means there are no institutional directives, which results in uncoordinated actions by State institutions and NGOs (INAMU, 2002). In addition, most of the current care strategies are focused on catering for victims rather than on prevention. There is also a lack of budgetary funding by the State for this purpose.

676. The public approach to the problem refuses to acknowledge that the traditional pattern of sexual exploitation of minors is becoming more closely linked to economic survival patterns among families. The problem exists throughout the country and is promoted by national and international networks (INAMU, 2002). It is further aggravated by the existence of a variety of risk factors (social, cultural, economic) in a sector of the child and adolescent population, which heightens their vulnerability to sexual exploiters. Immediate protection is not offered, and restitution of victims' fundamental rights is not guaranteed. The law contains several problems in terms of criminal procedure, and the Specialized Prosecutor's Office lacks technical resources such as tape recorders, computers and Internet access, which are needed to investigate reports of sexual exploitation of this population group effectively. A large number of national and international networks are operating in this field, and these in turn have links with other criminal organizations. Unfortunately, access to such resources is very limited, so it has had to rely on Casa Alianza to move investigations forward (Claramunt, 2001).

677. At the present time, the El cambio está en sus manos [Change is up to you] programme promoted by a consortium of institutions (UNICEF, INAMU, PANI and the Costa Rican Tourism Institute - ICT) offers the best alternative for a comprehensive approach to the problem. To ensure adequate enforcement the law in the framework of this project, it is essential to assign and guarantee the budgetary funding needed to care for victims and conduct effective judicial investigations (INAMU, 2002). Despite substantial State investment in care and prevention of gender violence, the problem of sexual exploitation of young children and adolescents for commercial purposes has failed to stir governments to formulate public policies. It is civil-society organizations that are showing leadership by denouncing the problem and raising awareness in society, and in providing care for young girls and adolescents and lobbying for timely and effective State action.

678. The struggle by Costa Rican women to achieve equal access to decision-making levels in various domains has been plagued by obstacles. Overcoming them has been a hard task requiring the establishment of strategic partnerships between organized women's groups, women leaders within political parties, and those holding high-ranking posts in the four State powers (executive, legislature, judiciary and electorate) and the National Mechanism.

679. Despite the achievements outlined above, a wide variety of inequities and obstacles remain that restrict women's political participation and access to decision-making posts. These range from conceptions that relegate them to the domestic domain and undervalue their capabilities and track record, to their lack of financial resources and the strategic information needed to compete with men electorally.

680. The experience accumulated during the past decade revealed the failings and weaknesses of current legislation, and highlighted the need to refine mechanisms for effective application of women's minimum political participation quotas and

empowerment of their capacities for exercise of active citizenship. Despite the sacrifice and resources invested, and although women's participation increased at all levels, their access to the directing bodies in political parties and to posts subject to popular election, or appointment by the various State bodies, was not proportional to the effort made.

681. The challenges are multiple and complex, but they can be summarized in terms of three major pending tasks.

- Ensuring that the statutes of political parties clearly and explicitly state the mechanism to be used to fulfil the 40 per cent minimum female participation in the party structure and in ballot papers for popularly elected posts; along with the minimum funding to be destined for women's political formation and training. Effective mechanisms also need to be established to ensure the appointment of women to at least 40 per cent of positions at ministries, vice-ministries, major Government offices, boards of State bodies, executive presidencies, boards of directors, and the administrative and deputy administrative bodies of the State's decentralized institutions.
- Approval of reforms to the Electoral Code proposed by INAMU for incorporation into the draft law (procedure 14268). Among other things, these aim at placing men and women alternately on the lists submitted by political parties for national and local elections and the blocking of ballot lists; creation of a Gender-Equity Unit in the Supreme Electoral Tribunal to promote a strategy to incorporate the gender perspective into the institution's policies, plans, programmes, actions and services; the breakdown of statistical information by gender; equitable appointment of men and women among the TSE Delegates Body; and contribution by TSE with its own funding to promote citizen participation and civic education among Costa Rican men and women, assigning a percentage for the political formation of women.
- Furnishing women with tools to exercise gender-sensitive leadership, making it possible to conduct collective processes of citizen participation and the construction of women's agendas based on their needs and interests. This would facilitate their strategic participation as leading actors in the design of laws, plans, programmes and differential policies for women in accordance with their gender status and situation. This should be a collaborative effort between INAMU (as the National Mechanism), TSE and women's organizations, which requires adequate and sustained financing.

682. The most significant progress was achieved in the execution of a strategy to eliminate some of the most important gender inequities in foreign policy. This resulted in major INAMU presence at international summits, inclusion of gender equality and equity issues in agendas and debates, the appointment of INAMU as regional coordinator of the Network of National Mechanisms; and strengthening of international funding for programmes that promote gender equity and women's advancement.

683. A task that remains involves developing an institutional policy for gender mainstreaming in the substantive actions of the Ministry of Foreign Affairs, such as the preparation of reports on compliance with international treaties, participation in international and regional summit meetings and international negotiations.

684. Practices that promote gender segregation in the appointment and promotion of Ministry staff and personnel assigned to the foreign service need to be eradicated.

685. In addition, the National Mechanism needs to be strengthened in its role as governing body on gender-equality policies, creating conditions for INAMU to provide permanent advice on foreign-policy stances, in missions abroad, and in international forums that address gender equality and equity issues.

686. During the period under study, the Costa Rican State implemented public policies that encourage respect for the constitutional principle of equality, mainly in relation to the immigrant Nicaraguan population. As a result, the health and education sectors serve the entire population requiring their services, regardless of migratory status. The population at large gains from these measures, because most of the children of immigrant women were born in the country and are likely to stay here with their mothers. To the extent that the latter manage to regularize their migratory status, they will become less vulnerable to discrimination and better able to guarantee their family a decent future.

687. In order to help them regularize their migratory status, the following issues need to be addressed:

- Implementation of information campaigns in zones and organizations that mostly contain Nicaraguan women, explaining their entitlements and the mechanisms and procedures to be followed in order to regularize their migratory status and obtain Costa Rican citizenship. This information needs to reach the places that women frequent, such as grocery stores, health centres and schools.
- Promotion of awareness-building and training actions among health and education workers to overcome xenophobia and other prejudices against the Nicaraguan population in general and their women in particular.
- Better access to services and procedures for Nicaraguans to regularize their migratory status, taking account of the gender differences and specific conditions facing this population in obtaining documentation.

688. The country has made wide-ranging progress in complying with the Convention and with commitments on culture, education and training contained in the Beijing World Platform for Action. Firstly, women took advantage of access to education and training more than men, and this has probably enabled them to narrow their deficits in labour earnings and access to specialized posts.

689. Women generally display higher enrolment levels than men in tertiary education (higher state education). In State universities men and women have equal access to scholarships and participation in research, and equal shares of the academic regime, teaching load and tenure. There is greater sensitivity and openness to women's theoretical positions, practices and demands in the search for gender equity and equality.

690. Despite these advances, a number of obstacles remain to be overcome which imply major challenges. There are outstanding tasks in terms of integrating educational areas that have traditionally been segregated, and in equalization of opportunities for women – particularly in scientific and technological education. In addition, all gender disparities in access to tertiary education and professional training need to be eliminated. A further task is to establish enrolment targets in

careers and areas that are competitive in the labour market, in technical colleges, in INA and in public and private universities.

691. The above requires complementary actions to make the most of the initiatives. These could include running a programme on "New vocations for women", targeting the stage at which specialties are chosen in technical colleges, and the vocational guidance offered by academic colleges, INA and universities, also setting achievement targets for female enrolment in courses that traditionally have a masculine connotation. At the same time, mechanisms would be needed to encourage women to remain in those careers, through scholarships, support services and other forms of incentive; study programmes in specialties or courses at technical colleges, INA and universities would need to be reviewed from the gender standpoint; and activities for self-exploration and vocational guidance would need to be analysed and adapted, among other things.

692. During the reporting period, Costa Rica made significant progress in several areas relating to women's work and employment. Women increased their participation in the labour force; and gender wage deficits narrowed slightly, although the widest gaps continue to occur in occupational categories where the female labour force tends to be concentrated. In addition, there was a slight increase in the number of women professionals and technical workers, and a rising proportion of women in leadership posts. Women also improved their business capabilities. Significant efforts were made to calculate the value of unpaid domestic work. The Inter-Institutional Commission on Women's Labour Rights was set up and put into operation.

693. In the institutional strengthening area, progress was made by signing the INAMU-Ministry of Labour and Social Security agreement in 2000, together with approval and implementation of the Action Plan for Gender Equality and Equity (2000-2002). A Gender Unit was created in the Ministry of Labour and Social Security, and a project was signed in February 2002 to create a gender-equity certification mechanism for jobs in the Costa Rican productive sector. In addition, the National System of Employment Information, Guidance and Intermediation was established, and the Creciendo Juntas programme was successfully implemented as one of the nationwide instruments envisaged in the Act on Services for Women Living in Poverty.

694. Despite these achievements, there are a number of areas where actions need to be taken to fully comply with the Beijing Convention and World Platform for Action. First and foremost, gender gaps need to be eliminated in terms of productive opportunities, employment, and access to goods and services, and to information and technology. The country also needs to generate ways of increasing women's productive capacity through access to capital, land, credit, technical assistance, technology and training. At the same time, there is an urgent need to address the rising tide of women entering precarious and unregulated segments of the labour market such as self-employment and microenterprise.

695. Despite the sustained efforts made by the Costa Rican State to provide support services for working mothers, actions need to be strengthened and expanded to provide high quality State childcare services to women and men who are either working or studying.

696. Another critical area relates to employment conditions among domestic employees – specifically the non-payment of social security contributions and long working hours, and the existence of legislation that discriminates against women in the Labour Code (articles 104 and 105).

697. Efforts to estimate the value of unpaid domestic work also need to be continued and publicized. These should be supported by educational campaigns to change cultural and economic perceptions of domestic work in the home, and value the contribution of young people who exclusively engage in this type of work for one reason or another.

698. The country needs to make progress in regulating family co-responsibility between women and men, in the sense that both spouses or partners have the obligation to share domestic chores involved in running a home and looking after a family. This also means responsibility for contributing collectively and proportionately to family expenses, provided they have their own income earned from paid work.

699. As mentioned above, Costa Rica has no policy on employment, let alone one that takes account of the problems and demands of women. There is an urgent need for an employment policy that would make it easier for women to find work in the formal sector of the economy, giving firms incentives to hire an increasing number of female employees and keep them on the payroll, encourage their promotion to better paid jobs, and offer them better opportunities for training and upgrading to enable them to climb up the job pyramid in their firms. To complement this, affirmative action is needed to guarantee sources of new quality jobs for women, which would expand opportunities for access to the labour market under more equitable conditions. Stronger business incentive programmes for good practices, linked to a "quality seal", would be component of such a policy facilitating the incorporation of equity measures.

700. It is essential to systematically publicize the rights of female workers on a sustained basis, as a way to build awareness among employers and the public at large, but also (and mainly) to ensure the sustainability of this type of initiative. Raising women's awareness of their rights is a slow process, so this type of action cannot be intermittent.

701. The Costa Rican State, in association with private enterprise and civil-society organizations, must redouble efforts to create conditions for expanding women's access to decision-making posts in areas that are not included among traditional female jobs.

702. Costa Rican women achieved major advances in certain fields associated with healthcare rights. In the first place they have longer life expectancy at birth than men. The Cervical and Breast Cancer Detection and Prevention Programme helped to improve the coverage of health services aimed specifically at women. Women's entitlement to professional advisory services and freedom to choose surgical sterilization was recognized through an Executive Decree aimed at safeguarding the sexual and reproductive rights of all people. Another process displaying significant but more complex progress was implementation of the comprehensive women's healthcare model.

703. Nonetheless, obstacles that reveal a male-centred view of health and healthcare continue to impede women's access to comprehensive health, social security and a

life free from violence in all domains – including health and other services. Discrepancies remain between discourse and practice, because actions that preferentially protect women's reproductive health tend to be prioritized. Changes proposed to the health model, as part of the health-sector reform process, have been implemented very slowly, having been resisted by certain authorities, and medical staff particularly. The patriarchal medical care model prevails at all levels of healthcare, despite a few incipient initiatives to alter this. The quality of care offered to women remains deficient in most areas, including the way women are treated and the conceptions that prevail concerning their rights and their body. Moreover, policies and services relating to prevention and healthcare for women take no account of their diversity – for example in language, in conditions such as disability, differences that necessarily emerge in the various phases of the life cycle, and in cultural differences arising from ethnic origin.

704. Activities carried out by civil-society organizations especially those involving women, and by State institutions, have managed to raise awareness among broad sectors of Costa Rican society that violence against women is one of the country's main public health problems. Progress was made in this area by institutionalizing public policy on the subject and consolidating the National System for the Care and Prevention of Domestic Violence (PLANOVI). The latter also strengthened its detection, care, prevention, resource-access and inter-learning branches. A key step in this field was promulgation of the Act on Sexual Harassment in the Workplace and in Education, and preparation of a draft reform to this legislation expanding its scope of application.

705. Despite progress achieved, major obstacles still remain that reduce opportunities for women to gain access to comprehensive healthcare and a violence-free life. These pose challenges for the Costa Rican State and society as a whole. There is a clear need to make progress in data collection and management, and the construction of health indicators consistent with a comprehensive conception of health not only relating to illness. It is also important to apply the gender perspective to record systems and the categories and names given to illnesses, to enable the statistics to reveal more precisely the impact of lifestyles on women's and men's health, and to control culturally-driven gender biases that stigmatize certain traditionally female ailments.

706. The health system should support initiatives to strengthen actions and good practice in providing differential healthcare for women and men. Moreover, the comprehensive healthcare programme and the programme on women's sexual and reproductive rights require financial and technical strengthening, and the rate of teenage pregnancy needs to be reduced. At the same time, the comprehensive healthcare model needs to be put into practice, responding to women's varying preventive and curative needs throughout their lifecycle – not only in the Women's Hospital but in all health centres throughout the country. The design and implementation of this model should allow for diversity reflecting the differential conditions facing women in Costa Rica (in terms of ethnic group, level of schooling, conjugal status, disability, age, migratory situation, and so forth).

707. As mentioned earlier, women's mental health is an area that the system has tended to forget. A comprehensive mental health programme for women is required, covering the whole lifecycle; mental health should be understood as a condition of well-being with oneself and one's surroundings, as a substantive element in

achieving an optimal overall state of health. This means ending the abuse of medicalization.

708. Social security coverage needs to be expanded, in particular to support the right to an old-age or disability pension that guarantees an adequate standard of living, thereby upholding a sense of social justice and fair distribution of national wealth. This would overcome the welfare approach particularly with regard to housewives, and especially those who are disabled in some way or have disabled children; non-wage-earning female rural producers, self-employed women microentrepreneurs, most of whom are not insured, and many female household heads living in poverty.

709. The Labour Code was originally approved in 1940. Despite subsequent reforms, it has failed to adapt to the variety of labour contracts or employment and work modalities that exist in a country subject to open markets and the demands of the globalized economy. At the same time, the Code is conceived on the basis of the man as economic subject and family provider. Accordingly, the chapter entitled Protección de los Trabajadores Durante el Ejercicio del Trabajo [Protection of workers during their work] needs to be updated to cover protection from the many workplace hazards faced by the female working population generally, and in particular those employed in modern manufacturing industries. It also needs to take account of other forms of hiring that involve discrimination and exploitation on gender grounds, which have developed in the globalization process.

710. The vital work done by NGOs in their communities in terms of strengthening prevention, defending rights, training, and alternative health, deserves greater support by the Costa Rican State, because NGOs are a strategic instrument for guaranteeing active exercise of women's citizenship.

711. The Costa Rican State, in conjunction with civil-society women's organizations, should work to redistribute the costs of maternity leave, through actions promoting the necessary legal reforms and a policy that would guarantee rapid implementation of such a measure.

712. Substantial progress has been made in consolidating the National System for the Care and Prevention of Domestic Violence, and approval of laws and legislative reforms to protect women against the various forms of gender violence to which they are vulnerable. Gaps still remain in the legislation and public policies that leave women in specific situations unprotected from certain forms of violence. The State and the Costa Rican public need to redouble their efforts, resources and determination to eradicate all forms of violence against women that threaten their physical, emotional and patrimonial security, placing special emphasis on particularly vulnerable population groups. The initiatives promoted should go beyond mere promulgation of laws or reform of existing legislation, to seek new and sustainable sources of funding, and forge partnerships between the State and civil society. Innovative care and prevention strategies need to be developed that take advantage of installed capacity in communities and municipalities; and effective, high-quality services for the prevention of violence and care for victims need to be made available to all women.

713. There are multiple challenges facing the country on the issue of care and prevention of domestic violence. These basically require the creation of conditions

ensuring consolidation of the system and a guaranteed response to the demands of victims, as follows:

- Regulate the National System for the Care and Prevention of Domestic Violence, through a law that includes the Technical Secretariat assigned to the INAMU Gender Violence Area, together with a Service Comptroller and a Permanent Evaluation and Monitoring Commission, backed by the budgetary funding needed to guarantee fulfilment of the functions assigned to the system.
- Establish a Domestic Violence Information System with capacity to verify data generated by institutions and bodies participating in the system, measuring the performance and impact of their work. Evaluation of the type of records, sources and processes available in data-generating institutions and organizations will make it possible to design indicators of the prevalence and incidence of violence, and evaluate the performance of the National System through its various intervention channels.
- Design and execute a research programme that could be based on graduation studies done at universities, together with institutional or inter-institutional research providing new knowledge for decision-making.
- Expand prevention and care services for older adults, Afro-descendants, indigenous peoples and those with disabilities, and populations living in geographic areas that have not been covered by domestic violence services.
- Strengthen spaces for feedback, individual and group containment, and self-care for persons working in the family violence field, whether in the public or in the private sector.
- Expand the Network of Municipal and Ministerial Women's Offices or Gender Offices, and strengthen their technical capabilities on domestic violence to enable them to perform promotion and prevention functions in this field.
- Create and implement a policy for the prevention of domestic violence, under MEP leadership and with active participation from the Ministry of Justice, the Ministry of Culture Youth and Sport, the National Council for Public Policy on Youth, PANI and INAMU, together with NGOs and youth networks with experience in the field of domestic violence prevention.
- Obtain government funding for the permanent campaign on awareness-building and education entitled Por una vida sin violencia [For a life free from violence], which would include an impact evaluation of the programme.
- Obtain approval for the draft law on Criminalization of Violence against Women.
- Review the domestic violence inter-learning model, to enrich it with contributions arising from its implementation with different population sectors over a three-year period.
- Enforce legislation to ensure institutional efforts are directed towards reducing impunity and strengthening mechanisms to protect the victims of domestic violence (protection for women in their homes, while controlling

aggressors and punishing them). To the extent this is achieved, the need for abused women to seek protection in a shelter home will become increasingly rare.

714. Actions are needed to reduce the discrepancies that exist between the rules established in the Act and Regulations on Sexual Harassment in the Workplace and in Education, and their interpretation, since these undermine enforcement of the law and diminish the efficacy of the guarantees. Key roles are played here by the Ministry of Labour, the Public Commissioner's Office, the National Mechanism, and women's organizations that have led the way in monitoring the Act on Sexual Harassment.

715. One of the areas where very limited progress has been made and in which multiple gender inequities and exclusion modalities persist, is what the Convention refers to as "Finance and Social Security". Progress has been made in two areas particularly, which will serve as a starting point for future public policies on this issue:

- Costa Rican legislation guarantees women legal capacity to obtain credit, mortgage, sell and make commercial transactions, in conditions of equality with men.
- There are some, albeit few, credit lines specifically reserved for women, and there are a variety of public and private bodies, and international cooperation agencies that run programmes specifically in support of microenterprise.

716. The Beijing Convention and World Platform for Action obliges the country to promote macroeconomic policies and development strategies that consider the needs of women and strengthen their initiatives to overcome poverty. They also insist on the need to guarantee women access to productive resources such as credit and technology. Fulfilling these commitments poses challenges that require urgent action in the following areas:

- Strengthening of programmes to promote access to economic resources for the development of women's productive activities. Some measures currently being promoted, which deserve support, aim to ensure that at least 50 per cent of PRONAMYPE credits are channelled to women. In addition, it would be helpful to negotiate a lower interest rate for women living in poverty, and to make regulations on guarantees more flexible. In addition, the number of intermediation points in the loan process needs to be increased, along with differential models to better serve women's needs.
- Establishment of clear criteria concerning the role to be played by women's organizations in terms of the strategic orientation of programmes on credit and employment for women.
- Creation of a National Collateral and Guarantees Fund, incorporating mechanisms that facilitate and channel credit towards women under differential conditions.
- Ensure that the resources of the IMAS Trust Fund, in the framework of the Act on Services for Women Living in Poverty, prioritize the promotion of women's microenterprises.

- Ensure that IMAS incorporates the gender perspective in its Operational Strategy for Women's Services, in training or support for women, in addition to planning and technical assistance
- Incorporate a new technology on information use in the Banco Popular FODEMIPYME programme, together with appropriate incentives for women entrepreneurs

717. Costa Rica has made progress in several areas of relevance to rural women during the reporting period. Regulations governing public institutions in the agriculture and rural sector were reviewed and upgraded to facilitate access to credit by women and rural youth for the purpose of financing productive projects. Agreements were signed with banks for this purpose.

718. An agreement exists between INAMU and the Ministry of Agriculture and Livestock to mainstream the gender perspective in the regular activity of agriculture sector institutions. As part of this initiative, Gender and Development and Regional Gender Liaison Mechanisms were established in all institutions of the agriculture and rural sector, to form a regional support network for actions aimed at the advancement of rural women. In addition, a High-Level Policy and Technical Commission was created in the Ministry of Agriculture and Livestock, to guide gender mainstreaming process in the work of the institutions and the respective sectors of influence within their jurisdictions. Establishment of these mechanisms made it possible to press ahead with human resource training and awareness-building activities among institutions in the agriculture and rural sector, on issues concerning the incorporation of the gender perspective in their daily work and the elimination of stereotypes in staff recruitment processes.

719. Some progress, albeit minor, was achieved in terms of training for rural women to strengthen their organizational capabilities and political influence.

720. MINAE adopted a gender-equity policy and prepared the corresponding action plan, to be monitored and overseen by the Gender and Environment Office. Among the actions included in this policy, a monitoring and oversight system was implemented for all gender-equity actions carried out by the Conservation Areas. The National Conservation Areas System (SINAC) is the MINAE division that has responded most to the instruction to work with gender in the training and diagnostic study areas.

721. The main obstacles faced by rural women in gaining access to decent living conditions is their invisibility as productive subjects and stakeholders in economic and social development. This invisibility intensifies their discrimination and exclusion in all areas of economic and social development: access to productive resources, education, technical training, health and social security, among other things. Policies to address female poverty remain few and far between, and their conception as social policy diminishes opportunities for impacting on economic policies affecting the sector.

722. The challenges are multiple and complex. Rapid and effective attention to the forms of discrimination facing rural women would require the Costa Rican State to take actions particularly in the following areas:

- Promotion of studies to generate knowledge on women's access to productive resources and property.

- Adoption of a Rural Development Financial System (SFDR), which would include special conditions for rural women producers, striking a balance between solidarity (producers' needs) and sustainability (financial efficiency); the system should not have an overarching profit-making criterion; it should be adapted to the needs of rural women producers; and it should have participation from peasant women and their organizations.
- Support for affirmative actions to ensure equal access for female rural producers to labour markets (agricultural and non-agricultural employment), and to State marketing and agribusiness services, and other facilities that guarantee the growth of their businesses.
- Make visible the work done by female producers by officially counting rural women's productive and reproductive work and incorporating it into national accounts, and on the basis of this extend social security coverage to all rural women (full health coverage, old-age, disability and survivors' pensions, etc.).
- Promotion of a specific programme to support the organization of small-scale women farmers, in order to gain effective access to productive restructuring, technical assistance and advisory programmes, and forge linkages with networks for production, marketing and collective input purchase, among other things.
- Implement and institutionalize gender-equity policies formulated for the environmental and agricultural sector.
- Develop a strategy for collaborative work between institutions acting in the rural production domain, in order to address the problems facing the business activity of female rural producers, through programmes of organizational strengthening, advisory services and business planning, commercialization and product marketing, and a financing programme with conditions adapted to women's needs.
- Strengthening of processes for organization and training of rural women, and their leadership, in order to improve their participation in sustainable development initiatives and enhance their capacity to influence local and national governments from the grass-roots level.

723. As stated above, during the 1990s and the two initial years of the new century Costa Rica succeeded in placing substantive gender equality and equity issues on the public agenda, thereby laying foundations to move ahead in passing laws and public policies. Women's equality with men is formally enshrined in the Constitution and in many laws. This has generated ownership and discussion of the issues by the public at large, thereby making it possible to remove them from the domain of a select few, generate public opinion and knowledge, and act on the political-cultural component of the law. As part of this process, the "naturalness" and social acceptance of acts against women such as domestic violence have been overcome. Similarly, conditions were achieved to generate specific legal concepts for acts that happen to women per se (sexual harassment, for example, which was formerly classified within the traditional gross misconduct category); the creation of legal instruments that are innovative in both form and substance, which break with the traditional logic and overcome the false dichotomy between the public and the private, with a view to promoting democratic values in the private domain (e.g.

domestic violence and the legal and economic responsibilities of paternity). In addition, several reforms made it possible to eliminate some of the advantages granted to men at women's expense. In brief, and as stated at the outset, the country has made significant progress in the formal regulatory component of the law.

724. Major progress has also been made in the sphere of institutional development and strengthening, including the following:

- Integration of the Commissioner for Women into the Public Commissioner's Office as a mechanism for defence, investigation of complaints, promotion and dissemination women's rights, was an effective action in strengthening mechanisms for the defence of women's rights.
- Establishment of the Special Permanent Commission for Women in the Legislative Assembly, which scrutinizes and issues opinions on draft laws affecting women, and has faculties to propose legal amendments and exercise political oversight with respect to the actions of public administration.
- In the judiciary domain, several specialized mechanisms have been created in relation to situations arising from common-law marriages, family maintenance payments and domestic and sexual violence.
- Actions of research, training, technical assistance and information dissemination to incorporate the gender perspective in the justice system, carried out by the ILANUD Women, Justice and Gender Programme.

725. Various obstacles remain which the State needs to eradicate through strategic actions aimed at strengthening the capacity of justice system personnel, as a way of narrowing the glaring gaps that exist between the letter of the law and its application. The continued robust presence of a male-centred patriarchal paradigm in justice administration affects the treatment received by women and the way laws are interpreted. Making progress in eliminating discrimination and overcoming female exclusion in this area poses a number of challenges. Strengthening is needed among mechanisms and structures that serve, make visible and empower women users of legal services, and in mechanisms giving access to justice. Rights have to be executable and enforceable to guarantee real protection. At the same time, special mechanisms needed the created in support of this process to protect women's rights and strengthen those already in existence, allocating adequate human and budgetary resources for this purpose.

726. As repeatedly mentioned, there are areas that could be improved in formal terms to guarantee equality for women before the law. Some of these are addressed in the various bills currently awaiting approval in the legislative pipeline: reform to articles 5 and 6 of the Act Promoting the Social Equality of Women; the Political Parties Bill; reform of the Act on Sexual Harassment; and the bill Criminalizing Violence against Women.

727. Approval of the Responsible Paternity Act marked a historic landmark in the struggle by women's organizations and the National Mechanism to eradicate offensive discrimination in the field of filiation and family responsibilities. This process generated many lessons. The law made progress towards eliminating a form of discrimination that affected not only women with children born outside marriage, but also the many children affected. An Inter-Institutional Commission was

appointed to monitor policies on responsible paternity, and it prepared a document containing policy guidelines to encourage responsible paternity, together with a series of institutional commitments acquired for this purpose. This action has made it possible to move forward in coordinating the commitments of various State institutions with legal responsibility in this area, to help prevent irresponsible paternity and serve the needs of individuals and groups protected by the law. In fulfilment of its leadership role, INAMU has acted as catalyst and coordinator of initiatives, without abrogating responsibility from each of the participating institutions in the process of applying the law.

728. There are still areas where competencies need to be strengthened, services improved and specific policies consolidated to prevent gender discrimination and exclusion. The most important action, and possibly the one that poses the most far-reaching challenge considering the degree of resistance and opposition displayed by various sectors (e.g. neo-conservative organizations, health workers, the Catholic Church, and some sectors of the media), centres on development of a policy of education for sexuality that respects women's human rights, and a policy towards sexual and reproductive health in keeping with the strategic objectives and actions proposed in the Beijing Platform for Action.

729. Other challenges entail resolving problems arising from making the law operational, and guaranteeing protection for the rights of women and their children, and enforcement of those rights. Staff at the Ministry of Public Security need training to enable them to discharge their functions adequately, as do the CCSS registrars and health workers of both sexes who deal with mothers. In addition, the instrument and monitoring needs to be improved to ensure the law is applied in a way that is consistent with the principles underlying it. Mere approval of the law does not in itself guarantee the political and institutional support needed to make progress on the objectives and actions proposed in the policy guidelines to encourage more sensitive and responsible paternity. In this regard, the National Mechanism and the Public Commissioner's Office, as coordinating mechanisms for the commissions appointed to monitor compliance with the law and public policies, should exploit these mechanisms to make sure the Government and institutions fulfil the commitments assumed. For this purpose, the Responsible Paternity Act, along with its mechanisms of application and the aims for which it was created, require broader dissemination, in order to create a greater popular awareness of the social and individual implications of failure to recognize paternity. There is also a need to strengthen and expand the inter-institutional work of the commissions established to coordinate actions of common interest between the institutions involved in encouraging responsible paternity.

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Annex 1

Summary of indicators on the status and condition of women, 1999-2000

Indicator	*1990*	*1995*	*1996*	*1997*	*1998*	*1999*	*2000*
Human Development							
Human Development Index (value)		0.883	0.884	0.889	0.889	0.801	0.797
Gender-related development index (value)		0.763	0.813	0.825	0.818	0.795	0.789
Gender empowerment index (value)		0.474		0.494	0.503	0.550	0.553
Economy							
Poverty differential according to sex of head of household a/	3.2	6.7	5.8	6.0	5.7	9.9	7.9
Percentage of women employed by branch of activity (main activities for women)							
Social, community and personal services	44.4	41.7	44.6	46.2	45.5	44.0	44.5
Commerce, restaurants and hotels	20.9	25.3	24.8	23.7	23.3	26.7	26.1
Manufacturing industries	23.5	20.0	17.9	16.3	17.2	16.8	15.6
Agriculture, hunting, forestry and fishing	6.4	6.3	5.7	5.9	5.5	4.7	5.4
Percentage of women employed by occupational category							
Wage-earners	77.6	75.6				74.9	76.6
Own-account workers	14.2	16.0				16.7	17.2
Unpaid	6.4	5.1				4.3	3.3
Employers	1.8	3.3				4.3	2.9
Gender ratio in average monthly wage b							
Wage-earners	84.0	84.4	92.1	97.1	93.3	90.3	91.7
Primary education complete	72.5	71.9	74.6	75.2	73.0	74.4	75.2
Academic secondary education complete	81.4	75.5	79.3	84.0	79.6	74.3	78.4
University	65.6	74.3	74.5	82.0	79.1	76.4	73.0
Occupational group							
Professional and technical workers	68.6	80.4	77.5	89.6	85.9	80.4	80.3
Senior management	75.6	83.1	85.3	88.3	95.2	84.3	82.5
Trade and sales persons	66.9	66.7	76.0	73.1	76.7	75.8	71.6
Manual and craft workers	73.3	76.6	77.6	84.2	77.2	77.8	81.8
Personal service activities	58.4	57.1	62.0	60.2	61.0	57.4	68.1
Value of domestic work as a percentage of GDP		9.4	10.5	10.5	10.1	9.2	9.8
Percentage of housing subsidies awarded to women		28.0	29.4	31.5	37.2	40.2	41.5
Work							
Extended female participation rate c/	41.1	41.2	42.2	41.5	44.1	43.3	40.8
Gender differential in total underutilization ratea/	-2.5	-2.4	-2.5	-2.9	-4.5	-4.6	-2.7
Number of women employed in specialized posts as a percentage of all such posts							

Indicator	*1990*	*1995*	*1996*	*1997*	*1998*	*1999*	*2000*
As professional and technical workers	44.5	45.4	47.8	48.3	45.1	47.1	46.2
As senior managers	23.3	23.4	26.7	27.5	30.1	30.6	29.9
Index of gender segregation in occupations d/	24.9	23.0	23.6	24.7	25.5	25.8	24.8
Gender differential within low-productivity sector a/		-16.0	-13.0	-15.2	-16.4		-15.5
Education and training							
Gender differential in net secondary school coverage rate e/				4.6	4.9	4.9	
Gender ratio in average number of years' schooling among population of 12 years and older b/							
12 to 17 years old					101.7	104.1	104.1
18 to 29 years old					106.2	104.9	105.9
30 to 49 years old					90.7	99.3	100.1
50 years of age and older					87.2	94.0	93.2
Index of gender segregation by in university graduation d/	16.2	16.7	15.6	15.7	15.3	14.5	15.5
Index of gender segregation in INA training actions d/	29.20	20.00	20.50	20.90	21.60	21.00	
Health							
Gender differential in life expectancy at birth b/	4.9	5.2	5.0	5.6	5.1	5.7	5.5
Male mortality caused by the three most common cancers (rates per 100,000 men)							
Stomach	24.8	24.2	22.2	21.2	21.1	18.2	17.6
Prostate	7.7	13.4	12.80	10.70	12.60	13.53	14.1
Lung	9.1	8.0	10.0	8.1	7.4	8.8	8.1
Female mortality rate caused by the three most common cancers (rates per 100,000 women)							
Stomach	10.9	14.0	13.7	10.3	12.1	10.9	10.6
Cervix	8.7	10.1	10.2	8.7	9.4	9.7	9.3
Breast	7.2	9.0	8.5	8.1	7.7	7.0	6.3
Fertility ratio comparing women under 20 and those between 20 and 39 years of age	68.2	81.4	82.3	84.7	86.6	87.0	
Gender ratio in coverage of EAP with insurance in E&M b/	82.2	95.8	93	97.5	102.6	80.6	
Domestic violence							
Gender ratio in percentage of murder victims resulting from domestic violence b/					550		
No. of complaints lodged for domestic violence			15 336	20 996	26 437	32 643	
Political participation g		1994					
No of women deputies as a percentage of total	12.3	15.8			19.3		
No. of women candidates for deputy as a percentage of total candidates	17.8	23.4			47.2		
No. of women councillors as a	12.4	14.2			34.4		

Indicator	*1990*	*1995*	*1996*	*1997*	*1998*	*1999*	*2000*
No. of women councillors as a percentage of total councillors elected	12.4	14.2			34.4		
Index of masculinity in popularly elected posts							
Index of masculinity in electorate f/	105.7	105.7			103.4		

Source: State of the Nation Project (2001). Seventh State of the Nation Report, 2000. San José, Costa Rica: State of the Nation Project.

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a/ Difference between the percentage for men and the corresponding figure for women.

b/ Ratio comparing the average wage index for women who work at least 40 hours per week and the equivalent value for men, multiplied by 100.

c/ The labour force includes persons employed in primary self-consumption activities, plus those engaged in marginal activities or traditional employment; unemployed persons include those traditionally included in open unemployment, together with first-time job seekers, discouraged unemployed workers and persons classified as inactive who have now found work.

d/ Indicates the percentage of the population that would "need" to change category (occupation, career), to obtain in each case the same distribution as in the total target population (employed, graduates, participants).

e/ Refers to the difference between the percentage of women and the percentage of men.

f/ Population counted as of July 1999.

g/ In the electoral processes of 1990-1994; 1994-1998 and 1998-2000.

Annex 2

Table 1-1

Summary of international treaties and conventions that specifically protect women's human rights, ratified by Costa Rica, 1951-2002

International treaties and conventions	*Date of ratification*
International Covenant on Civil and Political Rights and Optional Protocol (entered into force on 23 March 1976)	29 November 1968
International Covenant on Economic, Cultural and Social Rights (entered into force on 3 January 1976)	29 November 1988
American Convention on Human Rights (entered into force on 18 July 1978)	2 July 1980
Convention on the Elimination of all Forms of Racial Discrimination (entered into force on 4 January 1969)	16 January 1967
Convention on the Elimination of all Forms of Discrimination against Women (entered into force on 30 September 1981)	2 October 1984
Convention on the Rights of the Child (entered into force on 2 September 1990	21 August 1990
Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO convention 169) (entered into force on 5 September 1991)	2 April 1993
Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (entered into force on 3 March 1995	5 July 1995

Source : Prepared by the author on the basis of information collected, 2002

Annex 3

General description of the National Institute of Women (INAMU)

Since its creation, the National Centre for the Development of Women and the Family has acted as the regulatory body on national policies concerning women. It had its own legal status and assets, but was institutionally attached to the Ministry of Culture, Youth and Sports. This legal arrangement significantly limited the Centre's scope of action, and its work experience revealed the following:

Public policies on gender equity and equality require commitments at the highest level of decision-making, backed by sectoral commitments from public-sector entities to implement policies; and

There were restrictions on exercising oversight functions in this field, given the contradiction existing between the scope of its competencies and its location in the state apparatus (i.e. attached to a Ministry).

In addition, paragraph 57 of the Nairobi Forward-looking Strategies for the Advancement of Women states that appropriate governmental machinery should be established at a high level of government for monitoring and improving the status of women. This made clear the need to strengthen the existing National Mechanism.

Accordingly, in order to establish a state institution with sufficient political-administrative rank and a suitable legal framework for management and governance of public policies on gender, in May 1998 Act No. 7801 turned the National Centre for Women and the Family into the National Institute of Women, as an organization with its own legal status and budget.

As a decentralized autonomous body, it gained higher rank, its functions and attributions were expanded, and a Minister for Women's Affairs was appointed to head the Institute. The fact that this is a cabinet-rank appointment is of the utmost significance, since it makes it possible to promote public policies for equality and equity between men and women at the highest level of decision-making.

This coincides with what is established in the Beijing Platform for Action, as necessary for effective functioning of mechanisms for the advancement of women, namely:

To be located at the highest possible government level and under the responsibility of a female cabinet minister;

To be endowed with sufficient budgetary resources and professional capacity; and

To have the corresponding opportunities and mechanisms to influence all government policy-making and planning from a gender perspective.

Mission:

National State policies, with true consensus and political legitimacy to ensure their sustainability, notwithstanding policy changes of other kinds.

Strategic public policies, aimed at achieving qualitative change in gender relations, overcoming ad hoc, welfare-type and mutually disconnected actions that have long characterized work with women

Policies of national scope with capacity to respond to women's diverse needs and interests, not only with respect to specific women's sectors or groups

Policies that call for convergence between the different political forces, civil-society organizations, women's movement and government institutions

Aims:

"To formulate and promote national policy on gender equality and equity, in coordination with public institutions, State bodies that run women's programmes, and social organizations

To protect the rights of women as enshrined both in international declarations, conventions and treaties, and in Costa Rican law, to promote equality between the genders and encourage actions aimed at improving the situation of women

To coordinate and ensure that public institutions establish and execute national, social and human development policies, together with the sectoral and institutional actions arising from national policy on gender equality and equity

To encourage social, political, cultural and economic participation by women, fully upholding their human rights under conditions of equality and equity with of men." (Article 3)

Attributions:

"To prepare, promote and coordinate execution and monitoring of public policies for the advancement of women and equality of rights and opportunities between men and women

To coordinate national development policies implemented by public bodies, ensuring their contents promote equal opportunities between women and men

To prepare and execute the plans, programmes and projects of the Institute as necessary to fulfil its purposes

To coordinate actions and mechanisms existing within public administration, to promote the status of women and gender equity

To promote the creation of ministerial, sectoral and municipal women's offices, and to guarantee and coordinate their operations

To prepare, coordinate and execute actions that promote development of the family as a space for socialization of human rights, and equal opportunities between women and men

To provide assistance and legal orientation to all State institutions, to enable them to perform their activities without discrimination between women and men

To ensure that administrative provisions are not discriminatory, and that they respect women's rights

To express opinions on draft laws in the legislative process relating to the gender status and situation of women and families.

To promote and facilitate the creation and operation of a fund to promote productive activities by women's organizations.

To assist in judicial processes affecting women's rights, where relevant.

To promote and carry out research into the status of women, gender equity and the situation of families, and to make proposals for their advancement.

To maintain relations of exchange and cooperation with international bodies concerned with the advancement of women, without prejudice to government attributions in terms of foreign relations.

To promote women's associative activity, providing their organizations with assistance as necessary for their constitution and better development." (Article 4)

Annex 4

National Institute of Women

Public policies for equity division

Criteria for evaluating institutional progress in incorporating the gender perspective

To provide a general context for the specific mandate of a Gender Equity Unit to mainstream the gender perspective in a government institution, a proposal on the criteria, mission and objectives that should guide the functional performance of such a unit, is provided below

Mission

The mission of these units is to help mainstream the gender perspective throughout the work of government institutions, by promoting, guiding and overseeing processes to bring about changes in institutional culture, to ensure provision of services with equity, and internal labour relations that uphold equal opportunities and rights

This task is guided by the following objectives

Objectives

- To promote the gender perspective in institutional planning and internal administrative processes
- To oversee and support the application of national gender-equity policies in the institution
- To provide inputs for decision-making to key staff of both sexes, linked to strategic programmes for the advancement of women
- To coordinate institutional commitments toward government plans and programmes aimed at promoting gender equity
- To respond to complaints of gender discrimination by female staff, and refer them to the competent bodies

Based on the remit of these units and the established aims, the following indicators are proposed for measuring fulfilment of the mission and its objectives

Indicators to assess fulfilment of objectives

These are based on the ideal functions profile for a Gender Equity Unit proposed by INAMU, as per the following list

- The unit identifies the institution's strategic areas and actions in order to promote a platform of equal opportunities and gender equity for female users of its services
- It supports the institution's authorities in key decision-making for the advancement of women within the institution's jurisdiction

- It forms strategic partnerships with key mechanisms within the institution, to promote institutional values and practices of gender equity
- It promotes assistance and training processes for practical application of the gender perspective in management, strategic planning and internal administrative processes
- It coordinates with the National Institute of Women in the promotion and application of public policies for equity within its sector and institution
- It assists the process of formulating a strategic action plan to refocus the organizational culture towards service provision and labour relations with gender equity
- In conjunction with the National Institute of Women, it provides technical assistance to special commissions and institutions created to execute the Strategic Action Plan
- It supports the design of a mechanism to oversee and evaluate the actions contained in the Strategic Action Plan
- It disseminates the institution's commitments towards equal opportunities and equity between women and men, among key sectors and personnel
- It coordinates and carries out actions in conjunction with the gender-equity units of other ministries and autonomous bodies, and exchanges experiences to provide feedback for their work
- It coordinates the preparation of reports on progress achieved by the institution on equal opportunities and gender equity, for presentation to the Cabinet or the Minister for Women's Affairs

As mainstreaming the gender perspective is what typically identifies the unit's mission, the following criteria should be used to assess progress made by the institution on this issue:

Criteria for evaluating gender mainstreaming

- All relevant institutional processes use criteria that distinguish between the situation of men and women, and respond to such differences in order to make equal opportunities and equity between the genders viable. The most important processes include:

  i. Strategic planning included in the general sectoral policy framework (four-year plan or a longer period)

  ii. The institutional plan (Annual Operating Plan)

  iii. Budgetary allocation (Institutional Budget Plan)

  iv. Production of gender statistics and indicators (data capture, recording, processing, interpretation and presentation of data and information)

  v. Review/production of laws, regulations and other provisions of a prescriptive nature that regulate the institution's functioning vi Development of human resources (systems of recruiting, selection and staff induction, training, incentives and staff benefits, performance appraisal)

vii Empowerment of female workers (opportunities to hold management posts)

viii Technical and administrative management (rules and procedures established for the provision of institutional services and for the organization's management and operation)

- The criteria are introduced on a sustained basis, and are integrated as regular actions in the organizational routine and culture (values and practices)
- They are subject to monitoring and institutional impact assessment
- They are included in the institutional management commitments and outcome indicators of the National Evaluation System (SINE/ MIDEPLAN)
- Relations are established with civil society in order to generate citizen participation by women in the discussion and promotion of proposals to solve the problems they face in various domains
- Equal opportunities and gender equity are included as a substantive element in institutional accountability (annual report, reports to the public, reports to the President of the Republic)
- A strategic action plan is formulated, aimed at moving organizational culture towards service provision and labour relations with gender equity (mechanisms to create conditions for mainstreaming and greater impact on the status and position of women)
- National and international legal instruments to promote and protect women are applied as part of the institution's current legal framework (Convention on the Elimination of All Forms of Discrimination against Women; the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, also known as the "Belem do Pará Convention"; the Act on Sexual Harassment in the Workplace and in Education, laws protecting maternity, laws on the provision of childcare and working employment conditions, and so forth)
- Institutional propaganda or dissemination, through mass media and other channels, contain messages that value women and transmit balanced images between women and men

Annex 5

Functions of the National System of Care and Prevention of Domestic Violence

To ensure that authorities, officials, personnel and agents, and also institutions refrain from any action or practice of violence against women, children, older adults or disabled persons

To act with due diligence to prevent violence against women, children and older adults or disabled persons

To adopt administrative measures as necessary to collaborate in the prevention, punishment and eradication of domestic violence

To take appropriate measures to change habitual practices that support the persistence or tolerance of domestic violence

To establish the administrative mechanisms needed to ensure that people suffering domestic violence have effective access to State social compensation channels

To promote awareness and enforcement of the right of women, children, older adults and disabled persons, to a life free from violence, and their entitlement to have their human rights respected and protected

To change sociocultural patterns of behaviour among men and women, including the design of formal and informal education programmes appropriate to all levels of the educational process, aimed at eradicating values and stereotypes that underlie and are used to justify violence against women

To promote education and training among personnel in justice administration and the police force, staff responsible for enforcing the law, and those responsible for applying policies of prevention, punishment and elimination of violence against women, children, older adults or disabled persons

Where possible, to supply specialized care services for persons affected by violence, through public- and private-sector bodies, including shelters, family guidance services as necessary, and care and custody for affected minors

To promote and support government and private- sector education programmes aimed at raising public awareness of problems relating to violence against women, children, older adults and disabled persons, together with the corresponding legal remedies and reparations

Where possible, to offer people affected by violence access to effective rehabilitation and training programmes, to enable them to fully participate in public, private and social life

To encourage communications media to issue diffusion guidelines that help eradicate domestic violence in all its forms and highlight respect for the dignity of persons affected

To guarantee research, including the collection of statistics and other relevant information, on the causes, consequences and frequency of domestic violence, in order to evaluate the effectiveness of measures to prevent, punish and eliminate it, and to formulate and apply changes as necessary

To promote international cooperation for exchanging ideas and experiences and execution of programmes to protect persons affected by violence

Annex 6

Laws

1. Approval of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Act No 8089, San José, Costa Rica Legislative Assembly, 2001

2. Approval of the Inter-American Convention on Support Obligations, Act No 8053 San José, Costa Rica Legislative Assembly, 2001

3. Act on Services for Women Living in Poverty, No 7769 San José, Costa Rica Legislative Assembly 1998

4. Authorization for the Joint Institute for Social Assistance to grant total or partial forgiveness of mortgage loans on social housing Act No 7940 San José, Costa Rica Legislative Assembly 1999

5. Act Concerning the Code on Children and Adolescents No 7739, San José, Costa Rica Legislative Assembly 1998

6. Municipal Code Act No 7794 San José, Costa Rica Legislative Assembly 1998

7. Political Constitution of 1949 San José, Costa Rica Legislative Assembly

8. Intra-American Convention on International Traffic in Minors, Act No 8071 San José, Costa Rica Legislative Assembly 2001

9. Imposition of taxes on spirits, beer and cigarettes to fund a comprehensive plan for protection and shelter of the older adult population, children at risk, abandoned and disabled persons, rehabilitation of alcoholics and drug addicts, support for the work of the Red Cross and repeal of minor taxes on agricultural activities, and their consequent replacement Act No 7972 San José, Costa Rica Legislative Assembly 1999

10. Creation of the "Tia Tere" Shelter Home, Act No 7817 San José, Costa Rica Legislative Assembly 1998

11. Creation of the Women's Gallery Act No 7954 San José, Costa Rica Legislative Assembly 1999

12. Creation of Domestic Violence Courts in the Judicial Circuit of Heredia, the first Judicial Circuit of Alajuela, and the Judicial Circuit of Cartago, and a Criminal Court in the Canton of La Unión, province of Cartago Act No 8129 San José, Costa Rica Legislative Assembly 2001

13. Establishment of a Domestic Violence Court in the Second Judicial Circuit of San José Act No. 8128 San José, Costa Rica Legislative Assembly 2001

14. Creation of the National Institute of Women Act No 7801 San José, Costa Rica Legislative Assembly 1998

15. Removal of a land plot from public use Authorization for the Municipality of San José to subdivide a land plot and transfer it to the Asociación Hogar y Cultura Pro Escuela de Capacitación para la Mujer [Pro-Women's Training School Home and Culture Association], for the purpose of operating the Pavas Women's

Professional Institute. Act No. 7986. San José, Costa Rica. Legislative Assembly. 2000.

16. Act on Equal Opportunities for Disabled Persons, No. 7600. San José, Costa Rica: Legislative Assembly. 1996.

17. Act on Sexual Harassment in the Workplace and in Education, No. 7476. San José, Costa Rica. Legislative Assembly. 1995.

18. Act on the Sexual Exploitation of Minors, No. 7899. San José, Costa Rica: Legislative Assembly. 1999.

19. Domestic Violence Act, No. 7586. San José, Costa Rica: Legislative Assembly. 1996.

20. Act Creating the Office of the Public Commissioner, No. 7319. San José, Costa Rica. *Legislative Assembly*. 1992.

21. Responsible Paternity Act, No. 8101. San José, Costa Rica: Legislative Assembly. 2001.

22. Act Promoting the Social Equality of Women, No. 7142. San José, Costa Rica: Legislative Assembly. 1990.

23. Act Protecting Women against Degrading Commercial Propaganda in the Mass Media, No. 5811. San José, Costa Rica: Legislative Assembly. 1975.

24. Productive Restructuring Act, No. 7742 San José, Costa Rica: Legislative Assembly. 1977.

25. General Act concerning Public Spectacles, Materials, Audiovisual and Printed Publications, No. 7440. San José, Costa Rica: Legislative Assembly. 1994.,

26. General Act for the Protection of Teenage Mothers, No. 7735. San José, Costa Rica. Legislative Assembly (undated).

27. General Act on HIV-AIDS, No. 7771. San José, Costa Rica: Legislative Assembly, 1998.

28. Comprehensive Act concerning the Older Adult, No. 7935. San José, Costa Rica: *Legislative Assembly*. *Gazette* 221, 1999.

29. Legislative Assembly Regulation. San José, Costa Rica. Legislative Assembly (undated).

Law reforms

30. Law reforming articles 20 and 33 of the Political Constitution. Act No. 7880l San José, Costa Rica: Legislative Assembly. 1999.

31. Law reforming several articles of the Electoral Code, Act No. 7653. San José, Costa Rica. 1996.

32. Law reforming the National Housing Finance System Act (No. 7052), Act No. 7950, San José, Costa Rica: Legislative Assembly. 2000.

Draft legislation (submitted to the Legislative Assembly)

33 Electoral Code, Procedure No 14268 San Jose, Costa Rica 2001

34 Creation of the Special Prosecutor for Domestic Violence and Crimes against Sexual Freedom, Procedure No 13 050 San Jose, Costa Rica 1997

35 National Institute of Women Draft Law reforming articles 1, 13, 17, 125, 126 and 142, addition of articles 17 and 94, change of sequence of articles 182, 183 and 184 of the Municipal Code and creation of Municipal Women's Offices Procedure No. 14591 San Jose, Costa Rica 2001

36 Political Parties Act, Procedure No 13 862 San José, Costa Rica 1999

37 Act on the Criminalization of Violence against Adult Women Majority Affirmative Report, Procedure No 13874 San José, Costa Rica 2001

38 Law reforming the National Institute of Women Act, No 7801, Procedure No 14 591 San José, Costa Rica 2001

39 Law reforming articles 2, 7, 9, 12, 13, 18, 24 and 31, and addition of article 31 bis to the Act on Sexual Harassment in the Workplace and in Education, No 7476 of 3 March 1995, Procedure No 13 094 San José, Costa Rica 1997

40 Law *reforming articles 124 bis and 195 of the Criminal Code, on the* Typification of Domestic Aggression, Procedure No 13 081 San José, Costa Rica 1997

41 Law reforming the Electoral Code to Incorporate Fulfilment of Women's Minimum Political Participation Quotas, Procedure No 14 592 San José, Costa Rica 2001

Constitutional votes

42 Procedure No 00-009388-0007-CO Writ of Amparo against Banco Popular y de Desarrollo Comunal to increase women's participation in the political life of that public body San Jose, Costa Rica 2000

43 Procedure No 97-003527-007-CO-C Resolution No 0716-98 The plaintive files an action for unconstitutionality by omission against the Cabinet, presided by the President of the Republic, and against the President of the Legislative Assembly, for the former's failure to appoint any woman to the board of directors of the Public Services Regulatory Authority San Jose, Costa Rica 1998

44 Procedure No 99-007171-0007-CO Resolution 2000-04350 The plaintive files a writ of amparo against the Cabinet, for their failure to appoint a representative number of women to the board of directors of the Costa Rican Electricity Institute San José, Costa Rica 2000

45 Resolution No 1770-94 Re-conceptualization of the principle of equality San José, Costa Rica 1994

46 Vote No 2000-9733 A woman police officer is excluded from the Police Statute despite satisfying the formal requirements and having passed the respective courses San José, Costa Rica 2000

47 Vote No 327-91 Action for unconstitutionality regarding differences in the employment regime governing domestic service work compared to the regime covering the rest of the female working population, thereby contravening the principle of equality San José, Costa Rica 1991

48 Vote No 034-94 Farmers who under article 7 of the Act on the True Equality of Women, create a privilege by allowing property to be registered in the name of their female partners, rather than in their own name, despite the fact that they have worked the land and exercised acts of possession for over 12 years San José, Costa Rica 1994

Resolutions of the Supreme Electoral Tribunal

49 Resolution No 804-E-2000 Clarification of general aspects concerning application of the quota for filling the posts of local councillors and trustees San Jose, Costa Rica Supreme Electoral Tribunal, 2 May 2000

50 Resolution No 1863 Application of the women's participation quota San José, Costa Rica Supreme Electoral Tribunal, 23 September 1999

51 Resolution No 2837 Method for calculating the quotas to use the historical method Costa Rica Supreme Electoral Tribunal, 12 December 1999

Executive decrees

52 Executive Decree 27227-J Creation of the National Council for the Prevention of Violence and Crime, as an inter-institutional coordination mechanism for policies to prevent violence and crime 13 August 1998

53 Executive Decree 27346-MINAE Institutionalizes and incorporates the gender-equity perspective within the Ministry of Environment and Energy in all its policies, programmes, projects and action plans in its various departments, and approves the text of the Ministerial Declaration on Gender Policy 28 August 1998

54 Executive Decree 27516-MTSS Creation of the Office for Care and Eradication of Child Labour and Projection of Teenage Employment in the Ministry of Labour and Social Security 9 December 1998

55 Executive Decree 27623-Plan-MCM-MTSS-Mivah Approves regulations to the Act on Services for Women Living in Poverty (No 7769) 21 January 1999

56 Executive Decree N° 2118-S mandates the CCSS to provide care for pregnant women during childbirth and the postpartum period, regardless of their socioeconomic and migratory status (undated)

57 Executive Decree N° 27913-S, sets an important precedent by recognizing the right of women to decide whether or not to seek sterilization 14 May 1999

58 Executive Decree N° 28284, promotes the preparation of sectoral action plans for gender equality and equity, to form the basis of the gender perspective in public institutions 2 March 2000

59 Executive Decree N° 28484- MAG-MEP-MTSS-CM Creation of high-level political and technical commissions for gender mainstreaming 21 February 2000

60 Executive Decree No 26664, approves the National System for the Care and Prevention of Domestic Violence Ratified by Executive Decree No 27706, Rodriguez Administration 19 December 1997

61 Executive Decree No 26989- MTSS Authorization of night-shift work for women in industrial activities, since any restriction thereof would imply gender discrimination 30 March 1998

62 Executive Decree 27250-RE-J, establishes "National Human Rights Week" to be celebrated in the week of 10 December every year 3 December 1998

63 Executive Decree No 27217-S- MP Creation of the National Council to Combat Cervical and Breast Cancer as a body providing assistance with policies and instructions to be observed in the prevention, detection and treatment of these types of cancer affecting women 4 August 1998

Agreements and instructions issued by the Government of Costa Rica

64 Cabinet Agreement on the preparation of action plans for equality and equity between women and men in ministries and autonomous bodies 1999

65 Cabinet Agreement that at Christmas time and on festival dates, public institutions and their staff of both sexes, including police officers, guarantee to respond to calls for assistance and special protection that may be made by persons affected by situations of domestic violence 23 December 1998

66 Social Cabinet Agreement creating Ministerial and Sectoral Women's Offices, to ensure compliance with government policies for the promotion of equity and equality of opportunities between women and men in public administration institutions 17 May 1994

67 Instruction No 13-98, issuing rules on the composition and operation of the interdisciplinary teams envisaged in the Code of Criminal Procedures and the Code on Children and Adolescents to uphold justice on domestic violence Issued by the Court in plenary session (undated)

68 Instruction No 17 Ensures women, as citizens and in terms of their inalienable and inherent right as human beings, proper access to the public service provided by the State bank, with the same opportunities and under the same conditions as other persons. Issued by the President of the Republic, 3 March 1999

69 Instruction No 3 Establishes that requests for authorization to dismiss public servants who are pregnant shall be dealt with through a special process, which will ensure due process and the right to defence established under the Constitution Issued by the Minister of Labour and Social Security, 20 July 1998